

**Alabama Crime Victims  
Compensation Commission**

P.O. Box 1548  
Montgomery, Alabama 36102-1548  
Phone (334) 242-4007  
1-800-541-9388



**ALABAMA CRIME VICTIMS  
COMPENSATION COMMISSION**

**ANNUAL REPORT**

**OCTOBER 1, 1998 - SEPTEMBER 30, 1999**

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# ALABAMA CRIME VICTIMS COMPENSATION COMMISSION

P. O. Box 1548

RSA Union Building, 100 N. Union Street, Suite 778  
Montgomery, AL 36102-1548



Commissioners  
Miriam Shehane  
Barbara Brown  
Capt. Benny R. Peoples

Doris S. Dease  
Acting Executive Director

Honorable Don Siegelman  
Governor of Alabama  
Alabama State Capitol  
Montgomery, Alabama 36130

Honorable Members of the State Legislature  
State of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Dear Governor Siegelman, Ladies and Gentlemen:

On behalf of the Commission, I am pleased to submit the Annual Report of the Alabama Crime Victims Compensation Commission for the period of October 1, 1998, through September 30, 1999. It includes the duties, responsibilities, and special activities of the Commission.

This year, the Commission paid over \$6,000,000 to crime victims for losses incurred as a result of violence. In addition to the financial help, we spend a great deal of time and effort continuing to educate the public and the criminal justice system about the many needs of crime victims. However, this work could not be accomplished without the assistance and cooperation from across Alabama. Law enforcement officers, district attorneys, victim service officers, judges, circuit clerks, probation officers, and many others give the Commission staff untold hours of assistance. Of this we are extremely grateful. Likewise, we thank the many state agencies who are always ready and willing to provide us with the information we need in order to help crime victims.

It is with great pride that I submit the Annual Report to you. I am especially pleased that we have been able to serve Alabama crime victims and their families efficiently and compassionately.

Sincerely,

Doris S. Dease  
Acting Executive Director

DD:br

# Governor Appoints Commission



Miriam Shehane was appointed to the original Commission in 1984 for a four year term by Governor Wallace and was re-appointed by Governor Hunt in 1988. She served until 1992 and was re-appointed in July 1993 by Governor Folsom. She is a former banker and has worked as Victim Service Officer in the District Attorney's office in Montgomery and as Supervisor of the Attorney General's Office of Victim's Assistance. Mrs. Shehane's dedication to the victims' movement in Alabama has been acknowledged throughout the nation where she has been asked to speak at national conferences on victims' issues. Mrs. Shehane was one of the founding members of VOCAL and has served as the state president since its inception in 1982. She found out about the trauma of victimization first hand when her daughter Quenette was murdered while she was enrolled in Birmingham Southern in 1976. Mrs. Shehane is married to Edward Shehane from Clio, Alabama, and has two other children.

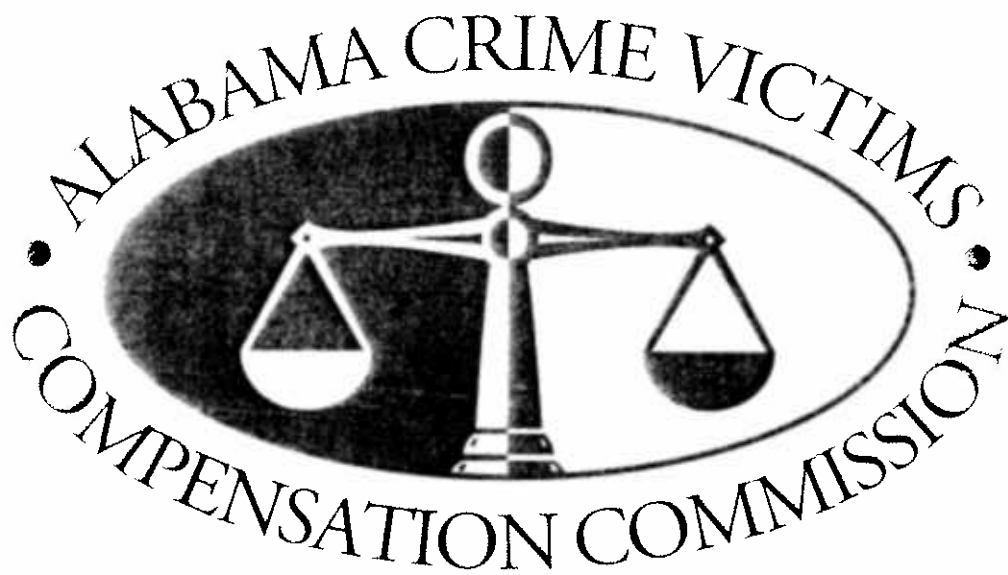


Benny R. Peoples was appointed to the Commission in June 1995 by Governor Fob James to serve a four-year term as the law enforcement representative. He is a 28-year veteran of the Alabama Department of Public Safety and holds the ranks of Captain and the position of Troop Commander of I Troop, Mobile. Captain Peoples started his career in Madison County and has moved throughout the state during his career. He is a United States Air Force veteran and has been a CID agent in the Alabama National Guard for 21 years with the rank of CW 4 in the 1156th MP DET. Captain Peoples and his wife, Rita, have three children and three grandchildren, and reside in Saraland, Alabama.



In November 1996, Barbara Brown was appointed to the Commission in the Crime Victims position to serve a four year term by Governor Fob James. Mrs. Brown is the mother of two murdered sons. Brandon, age 19, was murdered in Dallas County in June, 1993. Horace, Jr., age 28 was killed in Birmingham in September, 1994. No arrests have been made in either case. Although no resolutions have been found in either murder, she hopes by becoming an activist she can help society understand the epidemic of crime that is running rampant in our country. Mrs. Brown believes everybody can do something, such as being a role model to a child in your neighborhood. Through her own pain and agony she has dedicated herself to reach out to others who are hurting. Barbara and her husband, Horace, reside in Selma. They have a daughter, Holly.





*J. Philip Land*

## *New Director Appointed*

### *Innocent Victims of Violent Crimes Can Now Get Help*

J. Philip Land was named the Executive Director of the Alabama Crime Victims Compensation Commission on February 1, 1999.

Land, a native of Hueytown, comes to the Alabama Crime Victims Compensation Commission from the Governor's Division of Victim Assistance in South Carolina. He managed unprecedented claims caseloads and initiated innovative training and strategic planning capabilities statewide during his four-year tenure. Land's financial and

managerial background spans a quarter-century in business and banking industries and includes serving on the South Carolina Board of Financial Institutions.

Land stated, "The Alabama Crime Victims Compensation Commission has a solid reputation nationally and I'm pleased to be coming on board. Together we will strive for even better ways to serve our citizens who have been negatively impacted by crime. So many of them are in personal crisis and need a lifeline of support. While on my watch, we will stand ready to assist them at all times."

Land is married to Dr. Betty Lou Jackson Land, Ph.D., a native of Mountain Brook, for 28 years. She will be joining him in Montgomery this summer along with their teenage son Philip. Their daughter, Sarah Helen, performs for the San Francisco Opera Guild and resides with her husband in San Francisco.

Mr. Land resigned his position as the Executive Director August 13, 1999.

Alabama Crime Victims Compensation Commission  
P.O. Box 1548  
Montgomery, Alabama 36102-1548

# PROLOGUE

## We Hear The Need for Help

Violent crime continues to rise. Every day there is news about violence — murder, assault, rape.

The criminal's rights, punishments and release are public knowledge. However, we are not aware of the pain and suffering of the victims and their families which continues long after the crime has occurred.

In an effort to alleviate hardships suffered by victims of crime, the Alabama Legislature passed the Alabama Crime Victims Compensation Commission Law June 1, 1984. The Alabama Crime Victims Compensation Commission provides the only substantial financial compensation to victims for expenses for personal injuries including medical, funeral and counseling bills. Alabama's compensation law covers a variety of expenses for which compensation is paid.

As of July 27, 1995, in **sexual abuse crimes and offenses**, Alabama law provides for the

cost of medical examinations for the purpose of gathering evidence and treatment for preventing venereal disease. Application for other expenses incurred, including physical injury, counseling and lost wages, must meet eligibility criteria.

This assistance lessens the financial burden of innocent victims of violent crime and serves as a vehicle of hope for the rights of crime victims.

Our state law is unique. It requires a victim or family member of a

victim of violent crime to serve on the three-member commission which hears victim compensation cases. This provision insures that claims are reviewed from the victim's standpoint.

Now there's hope for victims of crime. You can begin the healing process by calling the Alabama Crime Victims Compensation Commission in Montgomery to find out if you qualify.



Phone (334) 242-4007  
1-800-541-9388  
Fax (334) 353-1401



## State Agency Formed

Created by the Legislature in May of 1984, Alabama became the 40th state to pass a law to compensate victims of violent crime. Alabama has a unique program that appears to incorporate the best of many other states' programs. The law is broad about the types of crimes and services for which victims may be assisted.

One of the features of Alabama's law which makes it unique is the requirement to include on the three member Commission, a victim of a crime of violence who suffered serious personal injury, or a member of such victim's immediate family or a member of a

**The Commission views every claim with significant perspectives.**

deceased victim's immediate family if the deceased victim died because of a crime of violence. This provision insures that each claim is viewed through the eye of a victim, and is seen as objectively as possible.

The law also provides that one member be a law enforcement officer with a minimum of 10 years experience in or with a law enforcement agency which has among its primary duties and responsibilities the investigation of violent crimes. Again, a certain perspective lends itself to the decision making process.

## Law Amended

In 1986, amendments to the ACVCC law were passed to require all felons to pay a victim assessment fee and to make other administrative improvements.

In the 1990 Regular Session of the Legislature, amendments to the law passed which increased the limits on funeral expenses from \$2,000.00 to \$3,000.00 and made several changes to expedite claims processing. This new amendment also provided additional funding for District Attorneys to allow for at least one Victim Service Officer in each circuit.

In the 1995 Regular Session of the Legislature, amendments to the law were passed which authorized payments for sexual assault examinations; defined reasons for diminishing or denying compensation awards; and clarified that additional costs and assessments shall be assessed in certain juvenile and youthful offender cases.

Also in 1995, Alabama amended its Constitution to include certain rights for the victim of crime. This Amendment to the Constitution, as stated in the Enabling Legislation, allows that within 72 hours of the criminal event, the law enforcement agency investigating the crime will provide to the victim a form in which to invoke their rights under the Constitution. Further, the form given by the law enforcement officer will tell the victim of the existence and availability of financial assistance from the Alabama Crime Victims Compensation Commission, and the telephone number of ACVCC. The affect of this legislation has made it possible that more victims are notified of the funds, so they can seek the assistance they need from the agency.

As of May 1, 1998, during the 1997/1998 regular Session, the law was again amended to make the following changes:

- Criminally Injurious Conduct shall include the act of terrorism as defined in Section 2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state.
- Raised the maximum award allowance from \$10,000.00 to \$15,000.00.
- Increased the allowable for expenses relating to funeral, cremation, or burial from \$3,000.00 to \$5,000.00.
- Increased compensation for work loss, replacement services loss, and dependents' replacement service loss from \$200.00 to \$400.00 per week.
- Raised the maximum allowable expense not to exceed \$5,000.00 for all future economic loss.
- Clarifying language was added to 15-23-4 to keep the names and addresses of the victim or claimant confidential.
- Language was added to 15-23-12 to clarify the circumstances for filing with the commission later than one year after the injury or death upon which the claim is based "unless" the commission finds good cause.
- Language was added to 15-23-12 to clarify reporting to a law enforcement officer "later than" 72 hours after the crime occurrence, unless the commission finds there was good cause for the failure to report within that time.



- Raised the commission members' pay from thirty dollars (\$30.00) to seventy-five dollars (\$75.00) per day for attendance of commission meeting.

## Funding Source

### Court Costs

The Alabama Legislature intends to provide a means whereby victims of violent crimes and their dependents may be provided compensation in the amount of actual expenses incurred as a direct result of criminal acts of other persons. The amount of all costs is paid through the courts and remitted to the Commission each month by the clerk of the courts. The clerk is to keep accurate records of the amounts due the Commission for the benefit of the fund.

The funds collected by the court clerk comes from court costs, victim assessment fees, restitution, and civil suit reimbursements.

- Two dollars (\$2.00) is derived from each moving traffic infraction.
- Ten dollars (\$10.00) from each misdemeanor violation.
- Fifteen dollars (\$15.00) where the offense constitutes a felony.

Other funding sources for the agency come from miscellaneous donations and federal grants. These sources are explained later in this section.

### Victim Assessment Fees

Prior to May 1990, the special victim assessment fee was ordered on felonies and ranged from twenty-five dollars (\$25.00) to ten thousand dollars (\$10,000.00). This was amended in 1990 to add a victim assessment fee onto all misdemeanors.

Also amended in 1990 was the felony victim assessment which increased the minimum judges could order from \$25.00 to \$50.00 with the first \$25.00 going to ACVCC, and the second going to OPS and any amount over the minimum going to ACVCC. The victim assessment fees are mandatory but the judge does have discretion in the amount of the fee ordered. Judges are required to order the assessment on juvenile and youthful offender cases as well as adult cases.

## Restitution and Civil Suit Reimbursements

The ACVCC Law allows for the Commission to be subrogated to all rights of a claimant to receive or recover from a collateral source such as civil lawsuits or insurance payments to the extent that compensation was awarded.

Whenever compensation is awarded to a victim or a claimant who is entitled to restitution from a criminal defendant, the Commission may initiate restitution hearings in such criminal proceedings or intervene in the same.

ACVCC actively pursues all avenues of recovery to the extent possible when it has been determined necessary to protect, maintain, or enforce the commission's rights to be subrogated, or to exercise any of its powers to carry out the commission's duties, and responsibilities.

## Donations

The ACVCC Law allows for the acceptance of gifts and donations from other sources in order to implement the law under this section, although very few funds **...in honor or memory of a loved one who had died violently...** are derived through this provision.

Instances where donations are received, is in honor or memory of a loved one who has died violently, or when a community, group or organization may wish to make donations to the fund to further enhance services to crime victims, and for special events to increase public awareness of the plight of crime victims.

## Federal Grant Funds

The Victims of Crime Act (VOCA) was passed in 1984 by an act of the United States Congress. The U.S. Department of Justice mandated by VOCA, collects fines and fees from offenders convicted of federal violations. Each year these federal funds are made eligible to the states in the form of federal grants, and is available to Victim Assistance Programs and the Crime Victim Compensation Programs in each state. ACVCC makes application for reimbursements dollars, based on the amounts paid from state funds. The amount may not exceed 40% of the total paid out to victims from state dollars.





# History *continued*

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The U.S. Attorneys, the Federal Bureau of Prisons, the Federal Probation Officers, and of course the Victims of Crime Fund deserve our thanks for their diligence in collecting the federal fines and disbursing those awards to the states. These federal funds make it possible to stretch state dollars to enable ACVCC to provide compensation benefits to Alabama victims.

## Compensation Payments

Over the past fifteen years, the ACVCC program has received 18,337 applications from crime victims, and awarded more than \$40,000,000.00 for services rendered them. The calculations below show the years the claims were received and the total dollars paid.

### INITIAL CLAIMS RECEIVED & PAID

FY	RECEIVED	# PAID
84/85	215	\$ 226,638.00
85/86	457	704,889.00
86/87	563	1,019,933.06
87/88	653	1,507,203.09
88/89	829	1,935,809.92
89/90	1,128	2,518,898.81
90/91	1,557	3,628,024.94
91/92	1,576	3,385,069.06
92/93	1,499	3,053,654.06
93/94	1,495	3,403,686.91
94/95	1,485	3,176,429.12
95/96	1,633	3,130,017.11
96/97	1,712	3,387,091.00
97/98	1,716	3,209,107.00
98/99	1,819	6,248,150.07
TOTAL	18,337	\$40,534,594.15

The goal to improve our system to financially compensate victims for their losses remain constant. We are indeed proud to be able to assist victims of crime with these awards. Also, we are truly grateful to those who provide information and assistance to the Commission as we try to make a difference in the way victims of crime are treated. The intent of the Commission to amend the existing law will increase the awards made available to crime victims. With these increased awards victims will be able to recover more of their losses incurred when becoming a victim of violence.

## How Do I Apply?

### Applications

Applications, informative brochures and other information is available at the Alabama Crime Victims Compensation office. Anyone requesting information may call (334) 242-4007 or toll free in Alabama, at 1-800-541-9388. The FAX number is (334) 353-1401. Also, applications and brochures are generally available at district attorneys' offices, sheriffs' offices, and police departments.

District Attorneys' offices have designated an employee, or has on staff a Victim Service Officer who is available to inform eligible victims about compensation and who may be helpful in completing applications. Also, the staff at ACVCC is always available to answer questions and give aid in completing the application.

## Who Can Apply?

### Eligibility

Any person who is an innocent victim of criminally injurious conduct and who has sustained personal injuries as a result; or a surviving spouse or child of a victim who died as a result of criminally injurious conduct are eligible to make a claim.

Those eligible to make a claim include the victim, a dependent of a victim who died as a result of the criminally injurious conduct, or a person authorized to act on behalf of a victim or a dependent.

Compensation shall not be awarded in any of the following circumstances:

1. Claim filed with the Commission later than one year from the date of the crime, unless the Commission finds good cause.
2. To a claimant who was the offender, or an accomplice of the offender.
3. If the award would unjustly benefit the offender or accomplice of the offender.
4. Crime was reported to law enforcement officer later than 72 hours after its occurrence, unless the Commission finds good cause.
5. The Commission finding that the claimant or



victim has not fully cooperated with law enforcement.

6. The degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the Commission.
7. To a victim or claimant who is convicted of a felony after applying for compensation.
8. To a victim or claimant of a property crime and not a violent crime.

## What Compensation May Be Paid?

As of May 1998, the maximum award is \$15,000.00 with limitations on certain expenses. The award may cover the following:

- Medical care
- Psychiatric care
- Work Loss due to the crime
- Funeral expenses
- Rehabilitation of the victim

The Commission pays only those expenses which are not covered by another source such as insurance, workman's compensation, etc. The victim or claimant must not receive compensation from two sources. Stolen property, checks or cash are not eligible expenses.

## What Happens After a Claim is Filed?

### Processing

When an application is received in the office of the Alabama Crime Victims Compensation Commission several steps are taken. The application is entered into the processing system, and given a number. This number remains constant throughout the processing time. An Administrative Support Assistant, who is assigned to receive claims by county, reviews the claim, and sends out letters informing the claimant of the process, and asks for additional information as needed. The claim is then put in line for investigation. The investigation is to determine what happened to the victim, and if the case meets the eligibility criteria based on the ACVCC law. Additionally, all bills for payment are

verified with the medical/service provider for accuracy. Other investigations relating to the crime such as forensics evaluation; mental health evaluation; and other evaluations are performed as needed in order to make a recommendation for payment. The investigation also includes determining the criminal charges against the defendant, and if a trial has been held. This is done to

determine if restitution, and/or other court ordered money

The investigation is to determine what happened to the victim, and if the case meets the eligibility criteria based on the ACVCC law.

will be ordered by the Courts. When the investigation is finalized, a summary statement of the victimization is presented to the three member Commission at the monthly meeting. The Commission shall hold at its principal place of business regular monthly public meetings on the second Thursday of each month and other meetings at such times and places as its members may elect.

## The Commission Decides

The Commissioners review the summary of facts, and render a decision based on the facts presented. If the request for compensation is approved, notices are sent to the victim or claimant informing them of the payment and to whom payment is made. Likewise, the same information is sent to the district attorney, the probation office, and the court clerk, so the judge may have this information at sentencing or restitution hearings. If the request for compensation is denied, the claimant may request an appeal, and must do so in writing to the Commission within thirty (30) days of the notification of the denial. The Commission will then hear the case with an impartial hearing officer present for re-consideration of the request and render a decision. Following the final decision of the appeal, notices are then forwarded to the victim or claimant informing them of the Commission decision.

## Supplemental Awards

Provision is made for the payment of a



# History *continued*

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supplemental award as additional bills arise. The victim or claimant need only submit the bills to the Commission as part of the original claim request. The Commission will review the supplemental request for eligibility.

## Emergency Awards

Provision is also made for payment of an emergency award in cases where urgent need is apparent and requested.

## Special Awards for Domestic Violence Victims

Due to the urgent needs of victims of family violence, a special emergency award is also available under certain conditions as established in the Rules and Regulations of the Alabama Crime Victims Compensation Commission.

## Special Awards for Sexual Crimes

In July of 1995, the ACVCC law was amended to allow medical providers to submit bills for the charges of medical examinations for the purpose of gathering evidence and treatment for preventing venereal disease in sexual abuse crimes and offenses. This is an effort to relieve the victim from being further victimized when asked to pay for the gathering of criminal evidence.

## Agency's Advocacy Role

### Public Awareness

As the state agency designated to advocate on behalf of victims of violence, the Alabama Crime Victims Compensation Commission spends a great deal of time on efforts to increase the criminal justice system's awareness of the needs of crime victims. Our efforts are also directed toward the public, whose chances of becoming a crime victim increases daily.

Efforts to address the needs of crime victims are varied and include such tasks as educational information and training, public relations, participation on committees representing victims,

and legislation. We also provide training to criminal justice professionals, other professionals, and the public in areas that will improve our community's response to crime victims.

## Networking

The Commission continues each year to network with other victim organizations to share information and offer assistance that encourages new services for victims, and to solicit information on new legislation to improve the responses to victims. We work closely with agencies and organizations such as the Attorney General's Victim Assistance Program, the Office of Prosecution Services, the Coalition Against Domestic Violence Program, the Coalition of Rape Crisis Programs, Victims of Crime and Leniency, Mothers Against Drunk Driving Program, the Child Advocacy Centers, and others.

We became partners with VOCAL to sponsor the Annual Statewide Candlelight Vigil. This was a very poignant ceremony which allowed victims and survivors the opportunity to light a candle and remember loved ones who did not survive their victimization. White crosses spanned the lawn of the Department of Public Safety representing the over One Thousand (1,000) deaths caused by murder, or drug and alcohol related crashes annually. Often, family members place a bouquet of flowers, or write notes to place at the crosses.

**White crosses spanned the lawn of the Department of Public Safety representing over 1,000 deaths caused by murder, drug or alcohol related crashes**

## Special Events

The Annual Christmas Party for Grieving Children of Homicide Victims was held at the Embassy Suites Hotel. With the success of the event, plans are under way to continue this event each year. Fifty-six (56) children whose parent or sibling was murdered the past year were honored at the party. This effort is to let these special children know



someone cares about them. The party was complete with Santa handing out a present for each child.

In addition to the present from Santa, each child received a Teddy Bear from the Alabama State Troopers Association. Sgt. Tim McGlothlin representing the Association handed out the Teddy Bears and gave out kind words of encouragement to the children. Special thanks to the Trooper Association for the time and effort it took to attend the party and make this truly a unique day for the children.

Mr. Carter Papke of the Montgomery County District Attorney's Office, and his wife, Melanie led the children as they played Christmas carols on Handbells. What a beautiful experience! It truly sounded as if the little choir had been rehearsing for weeks. We hope to have this an annual part of the Party.

A special **Angel Memorial Service** added the final touches to an already special occasion. The name of each deceased victim was displayed on a cut out angel for the children to honor. At the appointed time, each victim's name was called, and the family members came forward and proudly hung the "Angel" on the Christmas Tree, and remembered their loved ones during the Memorial Service.

### **Publications**

Brochures that have been created by ACVCC are made available to groups providing services to victims at their training events.

- Victims Rights and Responsibilities: The Alabama Constitutional Amendment
- Innocent Victims of Crime Can Now Get Help
- A Guide to Survival For Families of Homicide Victims
- After the Trial: The Corrections Process
- A Guide to Understanding Restitution

### **Books**

**What's Left After Crime? HOPE (Updated 1998)**

### **Other Accomplishments**

- Amended the ACVCC Law to increase maximum awards to crime victims to \$15,000

- Processed over 2,500 claims for crime victims and their families
- Maintained a 1-2 week time frame to process emergency awards
- Provided information and referral to more than 1,000 callers
- Established and published new rules and regulations for the processing of special awards to victims of domestic violence
- Participated in State Personnel/Payroll training, and incorporated new employees' system
- Provided assistance and information to victim service providers, and other groups
- Produced an annual calendar for law enforcement agencies with our name and telephone number to be used as a referral guide
- Received federal grant to enhance the compensation program as well as stretch state funds for crime victims
- Participated in National Victims Rights Week activities across the state, including many of the Candlelight Vigils held to remember crime victims and survivors
- Mailed Christmas cards to remember crime victims during the holidays
- Mailed cards of encouragement to crime victims and their families
- Assisted victims by attending parole board hearings
- Attended court proceedings with victims
- Supported victims in group sessions, and provided active listening to let crime victims know someone cares for them
- Held the Annual Christmas Party for Grieving Children of Homicide Victims
- Provided training to all law enforcement academies, Dept. of Corrections training, victim advocacy organizations and others on the ACVCC Law and general victim related issues
- Received training through the State District Attorneys Association

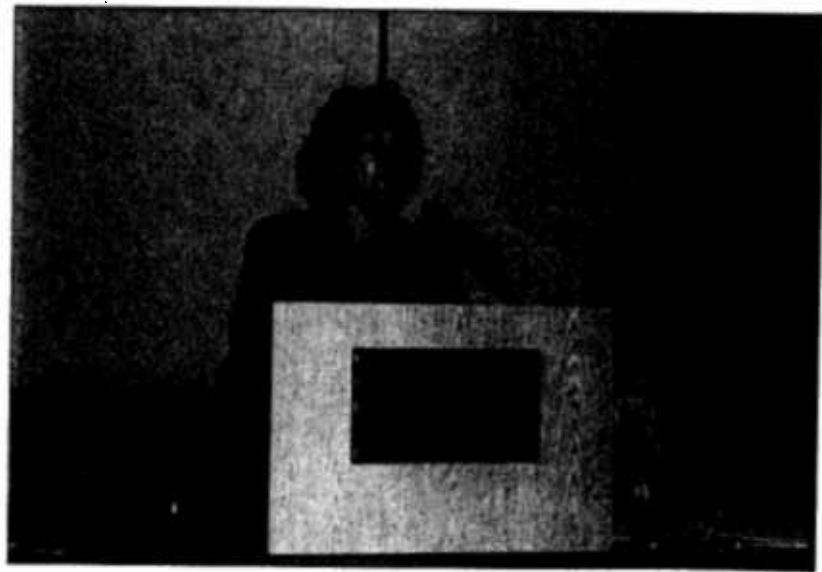
# Proclaiming Vict

April 18



**ACVCC  
Commissioners  
Miriam Shehane,  
Barbara Brown,  
Benny Peoples and  
Hon. Bill Pryor**

**Keynote Speaker  
Ms Kim Griffith  
addresses  
Conference**



# ms Rights Week

24, 1999



**Corrections Commissioner Michael Haley addresses conference participants**



**Victim Advocate of the Year Ms. Glenda Richardson of MADD takes top honors**



**Judge Sue Bell Cobb speaks with Alabama Attorney General Bill Pryor**

# ACVCC hosts the Christmas Party for Grieving Children



**Families attending  
the party enjoy the  
magician.**



**Volunteers cut  
angels for the Angel  
Memorial Service**



**The magician makes  
the participants  
laugh**



**The littlest  
victim  
receives a  
teddy bear  
from  
Trooper  
McClothlin**



**Families place their  
angel on the  
Memorial Tree in  
memory of a loved  
one**



# Budget and Statistical Data

October 1, 1998 - September 30, 1999

# Statistical Data

October 1, 1998 - September 30, 1999

Claims Received		1819
Claims Processed (inclusive of all claims processed for payments)		2739
Original Claims Approved		1346
Requested Amount	1256	
Reduced Amount	90	
Original Claims Denied		242
Original Claims Ineligible		282
Original Claims Held		48
Supplemental Claims Approved		421
Supplemental Claims Not Approved		7
Emergency Awards Approved		60
Special Assistance Domestic Violence Awards Approved		138
Special Assistance Domestic Violence Awards Denied/Ineligible		31
Sexual Assault Examinations Paid		232
Sexual Assault Examinations Denied/Ineligible		41
Original Claims Pending at end of Fiscal Year		720

## AWARD AMOUNTS

Original Claims	\$5,553,207.03
Supplementals	348,509.01
Emergency Awards	155,685.08
Special Assistance Domestic Violence	111,601.70
Sexual Assault Examinations	99,147.25
	<hr/>
Total Compensation Payout	\$6,248,150.07 *

\* Does not include Void or Refunds Against Disbursements



# Alabama Crime Victims Compensation Commission

## Balance Sheet As of September 30, 1999

<b>CURRENT ASSETS:</b>		<b>FY 99</b>
CASH:	\$	223,188.00
INVESTMENTS:		
MONEY MARKET:		187,493.00
GOVERNMENT BONDS:		3,445,570.00
NON-GOVERNMENT BONDS:		3,851,015.00
EQUITY MUTUAL FUNDS:		498,372.00
FIXED ASSETS:		266,140.00
<b>TOTAL CURRENT ASSETS:</b>	\$	<b>8,471,778.00</b>
<hr/>		
<b>LIABILITIES AND FUND EQUITY:</b>		
LIABILITIES FOR UNPAID CLAIMS:		
*CLAIMS PAYABLE:	\$	3,302,150.00
VOUCHERS PAYABLE		168,993.00
<b>TOTAL LIABILITIES:</b>	\$	<b>3,471,143.00</b>
<b>FUND EQUITY:</b>		
FUND BALANCE:	\$	5,000,635.00
<b>TOTAL LIABILITIES AND EQUITY:</b>	\$	<b>8,471,778.00</b>



# Alabama Crime Victims Compensation Commission

## Statement of Revenue vs Expenses As of September 30, 1999

### REVENUES:

RECEIPTS FROM COURTS:	\$	3,984,652.00
INTEREST INCOME:		716,069.00
FEDERAL REIMBURSED:		945,000.00
SUBROGATION:		261,465.00
DONATION/SALES/REFUNDS:		147.00
		<hr/>
<b>TOTAL REVENUES:</b>	\$	5,907,333.00

### EXPENSES:

CLAIMS PAID:	\$	5,962,583.00
OPERATING EXPENSES:		1,355,359.00
BANK CHARGES:		38,384.00
		<hr/>
<b>TOTAL EXPENSES:</b>	\$	7,356,326.00

### NET REVENUES:

\$ (1,448,993.00)

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# Breakdown of Claims by County of Occurrence

County	Original Claims		Supplemental Claims		Sexual Assault		Domestic Violence		Total Claims	Total Dollars
	Approved	Denied/Ineligible	Approved	Denied/Ineligible	Appr	Den/Inel	Approved	Denied/Inel		
Autauga	7	2	6	0	0	0	2	0	17	\$ 28,578.77
Baldwin	35	10	7	0	0	0	2	0	54	\$ 139,661.40
Barbour	19	5	7	0	1	0	1	0	33	\$ 132,669.52
Bessemer	31	8	9	0	1	0	0	0	49	\$ 169,809.27
Bibb	2	3	0	0	0	0	0	0	5	\$ 15,423.96
Blount	3	3	3	0	3	0	2	2	16	\$ 17,240.76
Bullock	1	2	0	0	0	0	0	0	3	\$ 3,245.60
Butler	9	8	1	0	1	0	0	0	19	\$ 46,218.98
Calhoun	47	21	35	0	3	0	0	1	107	\$ 276,807.61
Chambers	23	4	3	0	0	0	0	0	30	\$ 84,980.15
Cherokee	7	1	4	0	5	0	0	0	17	\$ 53,594.97
Chilton	4	4	1	0	0	0	1	1	11	\$ 16,656.55
Choctaw	0	2	0	0	0	0	0	0	2	\$ 0.00
Clarke	12	7	1	0	0	0	1	0	21	\$ 40,130.51
Clay	2	1	0	0	2	0	0	0	5	\$ 1,828.85
Cleburne	3	2	1	0	0	0	1	0	7	\$ 4,989.95
Coffee	15	11	5	0	0	0	0	0	31	\$ 40,878.42
Colbert	18	5	10	0	0	0	0	0	33	\$ 81,455.53
Conecuh	7	1	2	0	0	0	0	0	10	\$ 41,939.96
Coosa	7	0	3	0	1	0	0	0	11	\$ 30,137.38
Covington	21	9	3	0	0	0	1	0	34	\$ 79,788.88
Crenshaw	3	0	1	0	0	0	0	0	4	\$ 12,993.24
Cullman	12	2	1	0	5	0	5	0	25	\$ 55,084.33
Dale	18	9	9	0	14	7	1	1	59	\$ 101,474.64
Dallas	18	11	4	0	0	0	1	0	34	\$ 80,435.90



# Breakdown of Claims by County of Occurrence

County	Original Claims		Supplemental Claims		Sexual Assault		Domestic Violence		Total Claims	Total Dollars
	Approved	Denied/Ineligible	Approved	Denied/Ineligible	Appr	Den/Inel	Approved	Denied/Inel		
DeKalb	14	0	3	0	1	1	0	0	19	\$ 42,198.87
Elmore	23	7	13	0	2	0	1	1	47	\$ 43,617.36
Escambia	20	4	2	0	0	0	0	0	26	\$ 50,552.16
Etowah	54	15	17	0	1	0	1	0	88	\$ 225,821.65
Fayette	4	1	0	0	0	0	0	0	5	\$ 16,432.06
Franklin	9	0	1	0	0	0	1	0	11	\$ 28,992.05
Geneva	6	6	0	0	0	0	0	0	12	\$ 23,565.99
Greene	7	0	0	0	0	0	2	0	9	\$ 51,551.95
Hale	3	2	0	0	0	1	1	0	7	\$ 17,028.49
Henry	3	0	8	0	0	0	0	1	12	\$ 36,595.06
Houston	24	2	3	0	0	0	8	4	41	\$ 77,077.48
Jackson	9	2	3	0	0	0	0	0	14	\$ 25,518.27
Jefferson	198	94	46	1	23	3	21	4	390	\$1,088,632.94
Lamar	0	1	1	0	1	1	0	0	4	\$ 810.75
Lauderdale	11	3	1	0	0	0	8	1	24	\$ 34,493.85
Lawrence	10	3	0	0	3	0	1	0	17	\$ 56,420.38
Lee	18	9	4	0	8	2	1	0	42	\$ 96,730.78
Limestone	2	0	0	0	0	0	2	0	4	\$ 2,099.22
Lowndes	4	3	1	0	0	0	1	0	9	\$ 35,152.32
Macon	17	5	5	0	1	0	1	0	29	\$ 62,826.42
Madison	95	22	69	2	59	2	4	2	255	\$ 431,351.41
Marengo	12	2	1	0	2	0	10	1	28	\$ 66,359.80
Marion	19	3	4	0	1	1	0	0	28	\$ 44,480.61
Marshall	9	2	1	0	0	0	2	0	14	\$ 39,373.87
Mobile	135	88	24	2	23	3	4	1	280	\$ 560,626.51



# Breakdown of Claims by County of Occurrence

County	Original Claims		Supplemental Claims		Sexual Assault		Domestic Violence		Total Claims	Total Dollars
	Approved	Denied/Ineligible	Approved	Denied/Ineligible	Appr	Den/Inel	Approved	Denied/Inel		
Montroe	16	3	3	0	0	0	0	0	22	\$ 49,349.35
Montgomery	79	34	37	2	7	1	22	1	183	\$ 441,073.83
Morgan	11	6	4	0	2	0	0	0	23	\$ 65,187.23
Perry	6	4	0	0	0	0	0	0	10	\$ 26,841.63
Pickens	0	2	1	0	0	0	1	0	4	\$ 1,000.00
Pike	6	3	1	0	0	0	0	0	10	\$ 30,074.59
Randolph	8	7	0	0	1	0	0	0	16	\$ 20,632.56
Russell	43	7	5	0	1	0	5	0	61	\$ 151,173.82
Shelby	11	7	9	0	4	0	9	2	42	\$ 59,141.39
St. Clair	15	6	7	0	5	0	3	0	36	\$ 74,656.44
Sumter	4	0	2	0	1	0	0	0	7	\$ 9,750.26
Talladega	27	9	13	0	19	0	0	0	68	\$ 159,422.08
Tallapoosa	12	6	7	0	0	0	0	0	25	\$ 68,168.40
Tuscaloosa	39	9	4	0	22	19	10	6	109	\$ 201,907.18
Walker	23	11	4	0	7	0	0	0	45	\$ 117,376.20
Washington	1	2	0	0	0	0	0	0	3	\$ 3,000.00
Wilcox	3	1	0	0	0	0	1	0	5	\$ 28,611.06
Winston	12	1	1	0	2	0	0	0	16	\$ 26,448.67
Out of State	0	0	0	0	0	0	0	2	2	\$ 0.00
<b>Totals</b>	<b>1346</b>	<b>523</b>	<b>421</b>	<b>7</b>	<b>232</b>	<b>41</b>	<b>138</b>	<b>31</b>	<b>2739</b>	<b>\$ 6,248,150.07</b>

This report is based on the meeting date.



# Breakdown of Claims by Offense

(Approved Original Claims)

	Number of claims
Adult Rape (over age 16)	47
Assault - Family	96
Assault - Non-Family	437
Attempted Murder - Family	12
Attempted Murder - Non-Family	82
Child Physical Abuse	3
Child Rape (under age 16)	65
Child Sexual Abuse - Family	57
Child Sexual Abuse - Non-Family	36
DUI/DWI	21
Kidnapping	7
Manslaughter	29
Murder - Family	41
Murder - Non-Family	187
Other	79
Robbery	37
Sodomy - Family	16
Sodomy - Non-Family	17
Stalking	6
Unknown	32
Vehicular Assault	21
Vehicular Homicide	18
Total	<u>1346</u>

This report was done using the meeting date for all approved original claims.



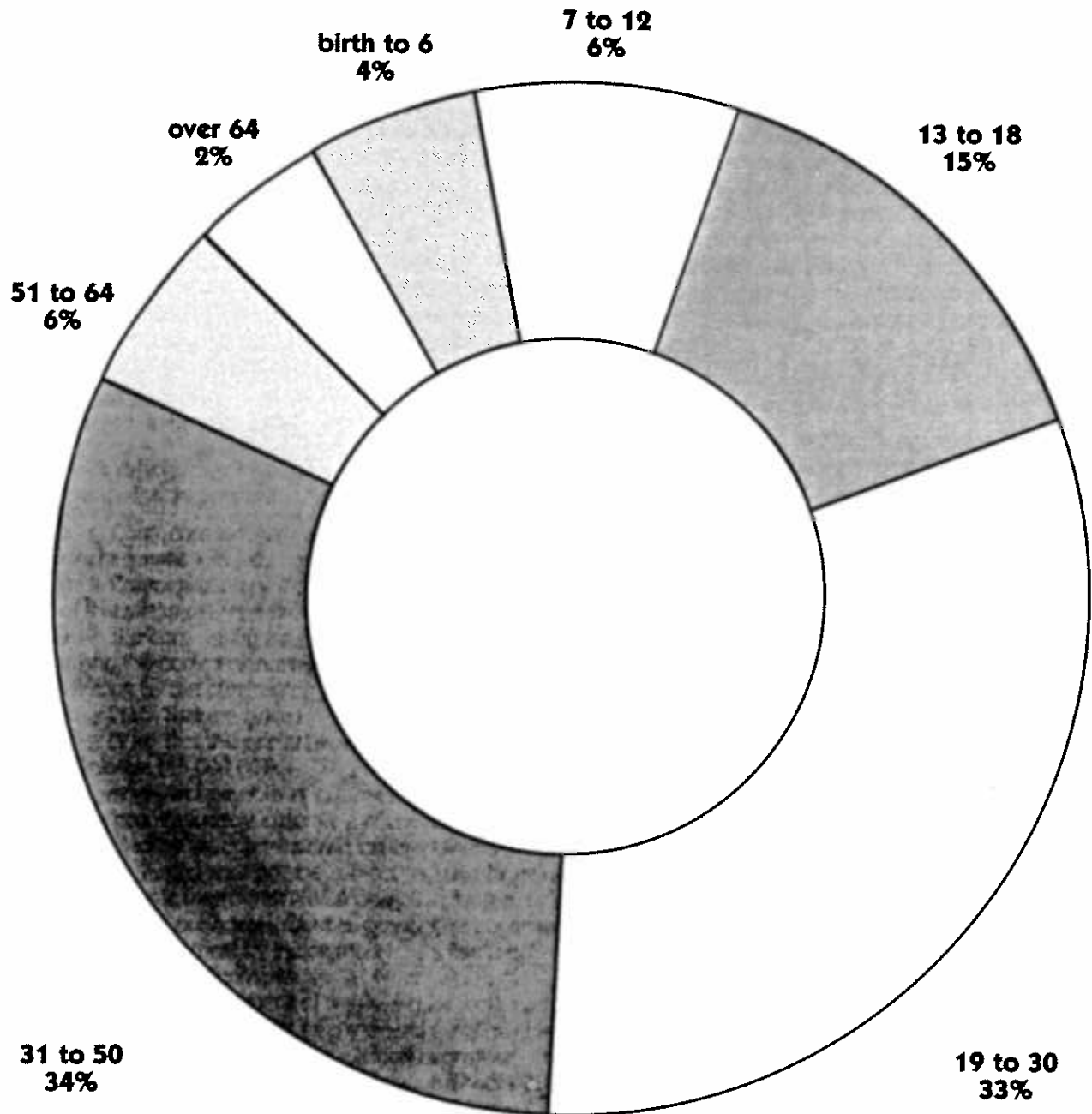


# Race and Sex of Victims (Original Claims)

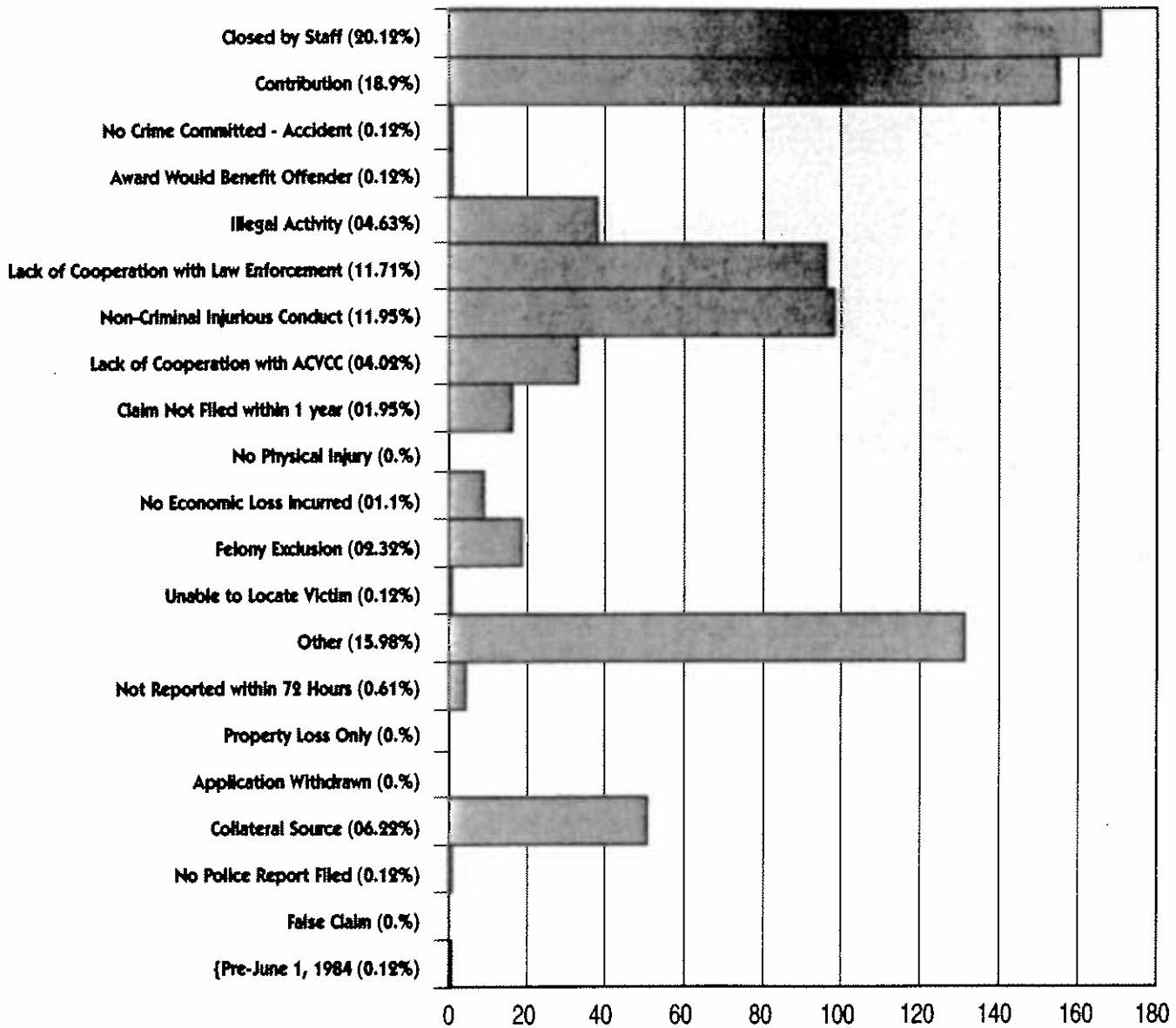
		Male	Female	Total
American/Alaskan Indian	Approved	1	4	5
	Denied	1	1	2
	Ineligible	2	1	3
	Reduced	0	0	0
		4	6	<u>10</u>
-----				
Asian/Pacific Islander	Approved	7	2	9
	Denied	0	0	0
	Ineligible	0	0	0
	Reduced	0	0	0
		7	2	<u>9</u>
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Black (Not of Hispanic Origin)	Approved	325	261	586
	Denied	119	33	152
	Ineligible	105	58	163
	Reduced	41	8	49
		590	360	<u>950</u>
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Hispanic	Approved	8	7	15
	Denied	4	0	4
	Ineligible	2	0	2
	Reduced	1	0	1
		15	7	<u>22</u>
-----				
White	Approved	270	365	635
	Denied	52	31	83
	Ineligible	49	64	113
	Reduced	22	17	39
		393	477	<u>870</u>
-----				
Other	Approved	0	6	6
	Denied	1	0	1
	Ineligible	0	0	0
	Reduced	1	0	1
		2	6	<u>8</u>
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Totals		<u>1011</u>	<u>858</u>	<u>1869</u>



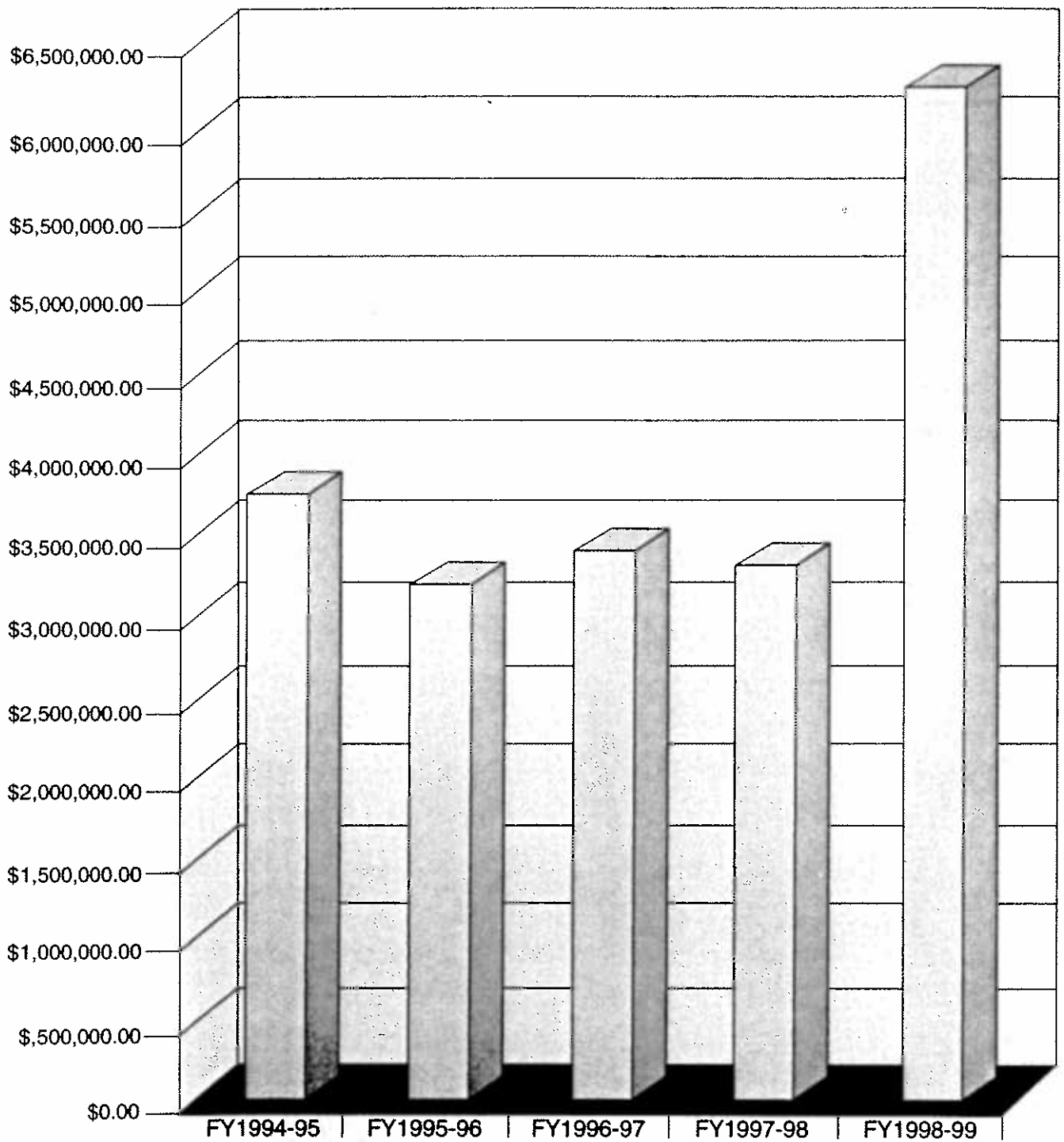
# Age of Victims



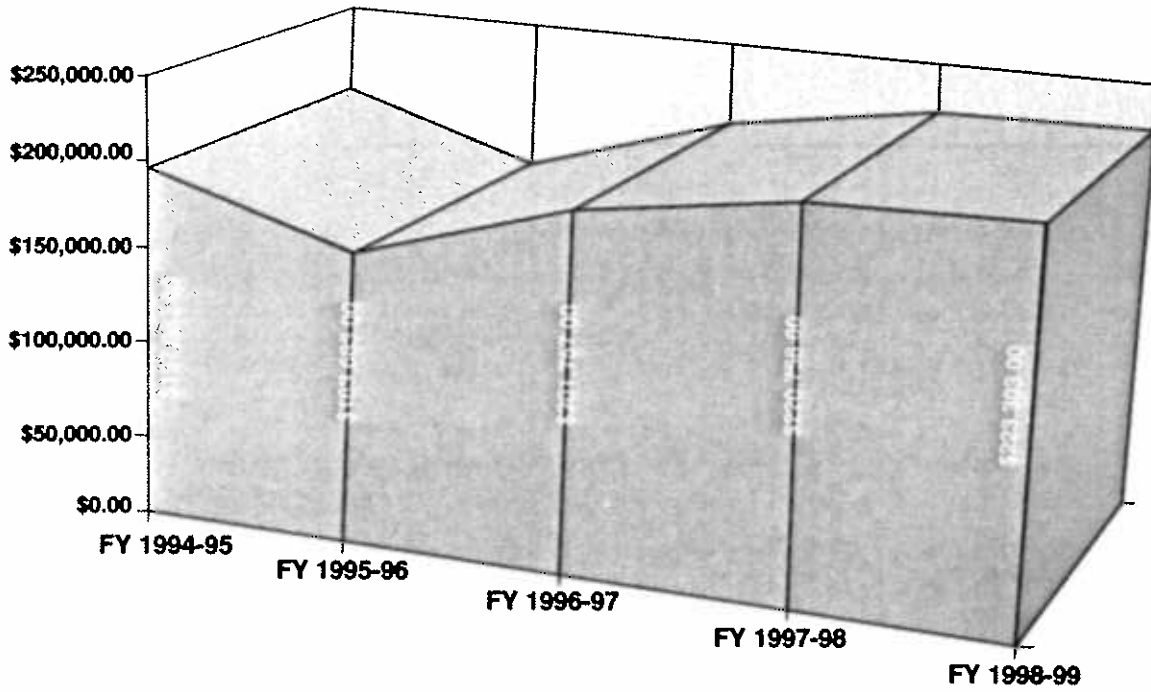
# Reasons for Non-Approval



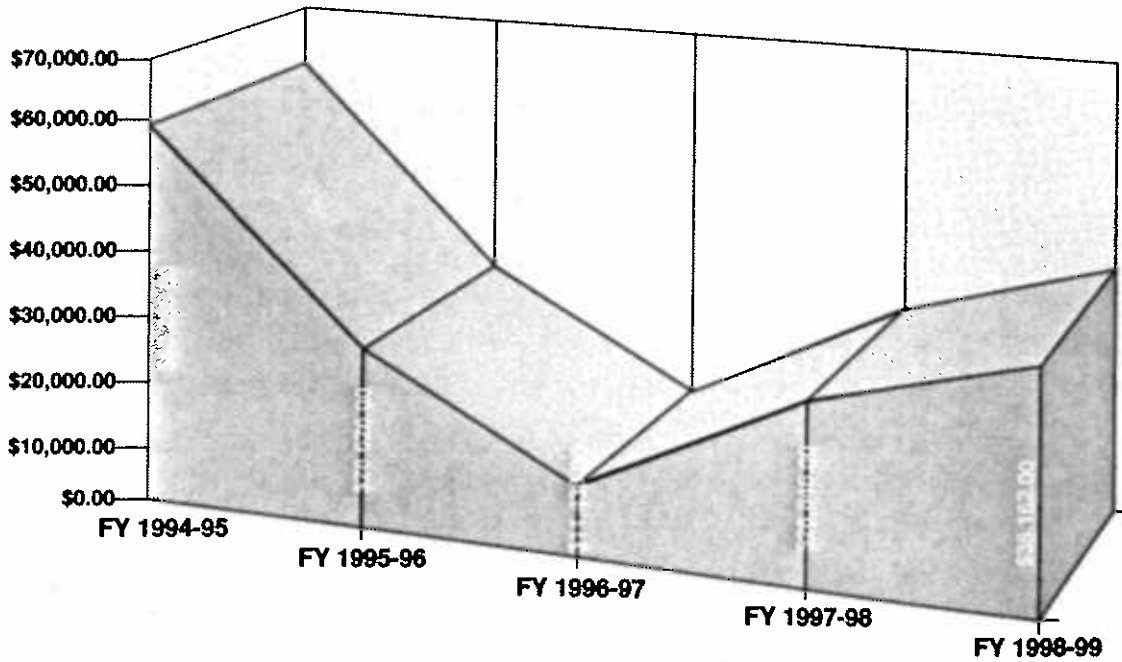
# Dollars Awarded Each Year



# Restitution Recovery



# Civil Suit Recovery



# Exhibits



# Chapter 23

## Alabama Crime Victims

### Article 1.

#### Crime Victims' Compensation.

<p>Sec. 15-23-1 Short title. 15-23-2 Legislative findings, etc. 15-23-3 Definitions. 15-23-4 Alabama Crime Victims Compensation Commission – Created; composition; terms; qualifications; officers; place of meeting; quorum; record of proceedings; bond; compensation. 15-23-5 Alabama Crime Victims Compensation Commission – Powers and duties. 15-23-6 Alabama Crime Victims Compensation Commission – Annual Report required. 15-23-7 Audit of financial affairs of commission authorized. 15-23-8 Compensation for economic loss resulting from criminal conduct - Authorized; procedure. 15-23-9 Compensation for economic loss resulting from criminal conduct – Collateral source contribution not required. 15-23-10 Compensation for economic loss resulting from criminal conduct- Hearing required generally; procedure in contested cases; settlement by consent order, etc. 15-23-11 Filing claim under article constitutes waiver of physician-patient privilege. 15-23-12 When compensation not awarded, diminished, etc.; reconsideration of award.</p>	<p>15-23-13 Award not contingent on prosecution or conviction of offender; effect of proof of conviction; suspension of proceedings under article. 15-23-14 Award of compensation subrogates commission to rights of claimant as to collateral source; funds recovered from collateral source held in trust for commission; disposition of trust funds; notice of action to recover damages; restitution hearings. 15-23-15 Amount and method of compensation; future economic loss generally; exemption from state and local taxes, etc. 15-23-16 Alabama Crime Victims Compensation Fund; created; purposes: composition; administered or managed by commission. 15-23-17 Assessment of additional costs and penalties; collection and disposition of additional assessments, etc. 15-23-18 Penalties-Influence peddling. 15-23-19 Penalties-Failure of commission member to disclose conflict of interest. 15-23-20 Penalties-Altercation of commission records, etc. 15-23-21 Penalties – Furnishing false information; failure to disclose material fact, etc. 15-23-22 Penalties-Unauthorized control over money or securities of commission. 15-23-23 Certain persons deemed ineligible for compensation.</p>
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## ARTICLE 1. CRIME VICTIMS' COMPENSATION.

### § 15-23-1. Short title.

This article shall be known and may be cited as the "Alabama Crime Victims Compensation Act." (Acts 1984, No. 84-658, p. 1308, § 1.)

**Collateral references.** - Governmental tort liability for failure to provide police protection to specifically threatened crime victim. 46 ALR4th 948.

Validity, construction, and application of "Son of Sam" laws regulating or prohibiting distribution of crime-related book,

film, or comparable revenues to criminals, 60 ALR4th 1210.

Civil action for damages under state Racketeer Influenced and Corrupt Organizations Acts (RICO) for losses from racketeering activity. 62 ALR4th 654.

### § 15-23-2. Legislative findings, etc.

The Legislature hereby finds, determines and declares that victims of violent crime are often reduced to bereft and destitute circumstances as a result of the criminal acts perpetrated against them, that the financial or economic resources of such victims and their dependents are in many instances distressed or depleted as a result of injuries inflicted upon them by violent criminals.

That the general social and economic welfare of such victims and their dependents is and ought to be intimately affected with the public interest, that the deplorable plight of these unfortunate citizens should not go unnoticed by our institutions and agencies of government.

The Legislature hereby further finds, determines and declares that it is to the benefit of all that victims of violence and their dependents be assisted financially and socially whenever possible.

To this end the Legislature intends to provide a means whereby victims of violent crime and their dependents may be provided compensation in the amount of actual expenses incurred as a direct result of criminal acts of other persons.

The provisions of this article are to be construed so as to accomplish this purpose and to promote the same which is hereby declared to be the public policy of this state. (Acts 1984, No. 84-658, p. 1308, § 2.)

### § 15-23-3. Definitions.

As used in this article the following words shall include, but are not limited to the following meanings unless the context clearly requires a different meaning:

- (1) COMMISSION. The Alabama Crime Victims Compensation Commission as created by Section 15-23-4.
- (2) CRIMINALLY INJURIOUS CONDUCT. Criminally injurious conduct includes any of the following acts:
  - a. An act occurring or attempted within the geographical boundaries of this state which results in serious personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed.
  - b. An act occurring or attempted outside the geographical boundaries of this state in another state of the United States of America which is punishable by fine, imprisonment, or death and which results in personal injury or death to a citizen of this state, and shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state; provided however, the citizen at the time such act was committed had a permanent place of residence within the geographical boundaries of this state, and in addition thereto, any of the following circumstances apply, that the citizen:
    1. Had a permanent place of employment located within the geographical boundaries of this state.
    2. Was a member of the regular armed forces of the United States of America; or the United States Coast Guard; or was a full-time member of the Alabama National Guard, Alabama Air National Guard, U.S. Army Reserve, U.S. Naval Reserve, U.S. Air Force Reserve.
    3. Was retired and receiving Social Security or other retirement income.
    4. Was 60 years of age or older.
    5. Was temporarily in another state of the United States of America for the purpose of receiving medical treatment.
    6. Was temporarily in another state of the United States of America for the purpose of performing employment-related duties required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits.
    7. Was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits.
    8. Was a full-time student at an academic institution, college, or university located in another state of the United States of America.





9. Had not departed the geographical boundaries of this state for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state. The term "criminally injurious conduct" shall not mean: an act committed outside the geographical boundaries of this state upon a person who was not at the time a citizen of Alabama, or an act committed outside the geographical boundaries of this state upon a person who at the time had departed the geographical boundaries of this state for the purpose of becoming a citizen of, or establishing a permanent place of residence in, another state.
- (3) VICTIM. A person who suffered serious personal injury or death as a result of criminally injurious conduct.
- (4) DEPENDENT. A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.
- (5) CLAIMANT. Any of the following persons applying for compensation under this article:
- A victim.
  - A dependent of a deceased victim, if such victim died as a result of criminally injurious conduct.
  - A person authorized to act on behalf of a victim or a dependent of a deceased victim if such victim died as a result of criminally injurious conduct.
- (6) ALLOWANCE EXPENSE. Charges incurred for needed products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational rehabilitation, rehabilitative occupational training, and other remedial treatment and care. It also includes a total charge not in excess of five thousand dollars (\$5,000) for expenses related to funeral, cremation, or burial.
- (7) WORK LOSS. Loss of income from work the victim or claimant would have performed if the victim had not been injured or died, reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake.
- (8) REPLACEMENT SERVICES LOSS. Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died.
- (9) ECONOMIC LOSS OF A DEPENDENT. A loss after the death or injury of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death or injury of the victim.
- (10) REPLACEMENT SERVICES LOSS OF DEPENDENT. The loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent.
- (11) ECONOMIC LOSS. Monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss or noneconomic detriment.
- (12) NONECONOMIC LOSS OR DETRIMENT. Pain, suffering, inconvenience, physical impairment, and nonpecuniary damage.
- (13) COLLATERAL SOURCE. Source of income, financial or other benefits or advantages for economic loss other than the compensation paid by the compensation commission which the claimant has received or is entitled to receive or is readily available to the claimant, from any one or more of the following:
- The offender.
  - The government of the United States or any agency thereof, in the form of benefits, such as Social Security, Medicare and Medicaid, a state or any of its political subdivisions or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this article.
  - Any temporary nonoccupational disability insurance.
  - Worker's compensation.
  - Wage continuation programs of any employer.
  - Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct.
  - A contract providing prepaid hospital and other health care services or benefits for disability.
- (14) OFFICE OF PROSECUTION SERVICES. The Office of Prosecution Services as established by Section 12-17-230. (Acts 1984, No. 84-658, p. 1308, § 3; Acts 1986, No. 86-510, p. 993, § 1; Acts 1990, No. 90-470, p. 677, § 1; Act 98-492, § 1.)

**The 1998 amendment**, effective May 1, 1998, substituted a period for ";or" throughout; in subdivision (2) inserted the "Criminally injurious conduct includes any of the following acts:" preceding paragraph a., in paragraph a. substituted "imposed." for "imposed; or", in paragraph b. inserted ", and shall include an act of terrorism, as defined in Section 2331 of Title 18,

United States Code, committed outside of the United States, against a resident of this state "preceding"; provided", substituted "the citizen" for "such citizen" and inserted "any of the following circumstances apply, that the citizen:" following "thereto", in paragraph c. deleted the paragraph c. designator and in said undesignated paragraph substituted "the time a



citizen of Alabama," for "the time such act was committed a citizen of the State of Alabama" deleted "such act was committed" following "time" and substituted "citizen of, or establishing" for "citizen of another state or for the purpose of establishing", in subdivision (6) substituted "five thousand dollars (\$5,000)" for "\$3,000.00", and made nonsubstantive changes.

**Code Commissioner's Notes** - In 1998 in subparagraph 2. of paragraph b. of subdivision (2), the Code Commissioner added the conjunction "or" for grammatical purposes.

Act 98-492, which amended this section and was approved by the Governor on May 1, 1998, provided that the act "shall become operative on the first day of the third month following its enactment."

**§ 15-23-4. Alabama Crime Victims Compensation Commission—Created; composition; terms; qualifications; officers; place of meeting; quorum; record of proceedings; bond; compensation.**

(a) There is hereby created the Alabama Crime Victims Compensation Commission, which shall be composed of three citizens of the State of Alabama, who shall be appointed by the Governor with the advice and consent of the Senate, for terms of four years each or until their successors are appointed and qualified. Provided however, initial appointments shall be as follows: one member shall be appointed for two years, one member shall be appointed for three years and one member shall be appointed for four years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointment shall be for four-year terms.

(b) At least one member shall be a law enforcement officer with a minimum of 10 years experience in or with a law enforcement agency which has among its primary duties and responsibilities the investigation of violent crimes and the apprehension or arrest of the perpetrators thereof.

(c) At least one member shall be a victim of a crime of violence who suffered serious personal injury as a result thereof, or a member of such victim's immediate family or a member of a deceased victim's immediate family if such deceased victim died as a result of a crime of violence, or an officer of a nonprofit, charitable crime victims organization established pursuant to the laws of Alabama.

(d) Each year the commission shall elect a chairman from its membership.

(e) The commission may appoint an executive director who shall serve at the pleasure of the commission and shall be paid a salary in an amount to be determined by the commission.

(f) The commission shall have its principal place of business in the county wherein the State Capitol is located.

(g) The commission shall hold at its principal place of business regular monthly public meetings on the second Thursday of each month and other meetings at such times and places as its members may elect.

(h) Any two members of the commission shall constitute a quorum for purposes of transacting the business of the commission and two votes in favor shall be necessary for a decision by the commission at any meeting of the commission.

(i) From time to time the commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this chapter.

(j) The chairman of the commission shall keep a true record of all of the proceedings of the meetings of the commission. At the call of any member the vote on any pending question shall be taken by ayes and nays, and the same shall be entered in such record, the record of the proceedings of the commission shall be open to any member of the commission and to the public at all times and a copy of such record, certified by the chairman, shall be competent evidence in all courts.

The commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to this article or the facts or circumstances of the criminally injurious conduct perpetrated against them.

(k) All members and employees of the commission handling money or exercising authority over any property shall, before entering the discharge of their duties, give bond with a surety company authorized to do business in the State of Alabama, as surety, payable to the commission in an amount or amounts sufficient to protect the commission against any loss with respect to the funds, money or property handled, conditioned for the faithful discharge of their duties and responsibilities and further conditioned upon their faithfully accounting for all moneys, funds or properties coming into their possession in the capacity of their employment.

(l) The Attorney General or the district attorney of the county wherein the State Capitol is located shall, upon written request by the commission represent the commission in all litigation to which the commission is a party or in which the commission has an interest. The Attorney General shall serve as a legal advisor to the commission.

(m) All commission members shall be paid seventy-five dollars (\$75) per day and mileage for attendance of commission meetings. Mileage and per diem shall be the same as allowed state employees when a commission member is traveling on official business of the commission and shall be paid from the Alabama Crime Victims Compensation Fund. (Acts 1984, No. 84-658, p. 1308, § 4; Acts 1986, No. 86-510, p. 993, § 2; Act 98-492, § 1.)

**The 1998 amendment**, effective May 1, 1998, in subsection (j) in the first undesignated paragraph substituted

"The commission" for "provided however, the commission," deleted "the provision of" following "pursuant to" and



deleted "when such disclosure in the opinion of the commission would jeopardize or compromise an investigation by a law enforcement agency or a grand jury into criminally injurious conduct or in any way jeopardize or compromise a prosecution for criminally injurious conduct" following "against them"; in subsection (m) substituted "seventy-five dollars (\$75)" for "\$30.00".

**Code Commissioner's Notes.** - Act 98-492, which amended this section and was approved by the Governor on May 1, 1998, provided that the act "shall become operative on the first day of the third month following its enactment."

#### **§ 15-23-5. Alabama Crime Victims Compensation Commission—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 article, the commission shall have the power to:

- (1) Regulate its own procedures except as otherwise provided in this chapter.
- (2) Define any term not defined in this article.
- (3) Prescribe forms necessary to carry out the purposes of this article.
- (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 this article; provided however, the reports and the information contained herein, when received by the commission, shall be confidential and under no circumstances shall the commission disclose the same except to a grand jury.
- (5) Take judicial notice of general, technical, and scientific facts within their specialized knowledge.
- (6) Publicize the availability of compensation and information regarding the filing of claims therefor.
- (7) Collect all moneys provided by this article to be collected by the commission.
- (8) Provide for and maintain all necessary administrative facilities and personnel.
- (9) Provide for payment of all administrative salaries, fees, and expenses.
- (10) Cause its moneys to be invested and its investments sold or exchanged and the proceeds and income collected.
- (11) Determine who is a victim or dependent.
- (12) Pass upon all applications for compensation or other benefits provided for in this article.
- (13) Authorize executive director to pass upon all supplemental applications for compensation in an amount not to exceed one thousand dollars (\$1,000) and to pass upon all original applications for claims in an amount not to exceed two thousand dollars (\$2,000).
- (14) Adopt rules and regulations as may be necessary or desirable to expedite the administration of the affairs of the commission not inconsistent with this article.
- (15) Provide descriptive literature respecting the commission and its duties.
- (16) Pay all compensation or other benefits that may be determined to be due under this article and under the rules and regulations of the commission.
- (17) Employ such agents, attorneys, actuaries, and other specialized personnel as shall be necessary or desirable to enable the commission to carry on its functions in a proper and sound manner.
- (18) Receive by gift, grant, devise, or bequest any moneys or properties of any nature or description.
- (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.
- (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.
- (21) Identify laws, rules, or regulations proposed or adopted by any agency 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.
- (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 this article. All agencies and institutions of this state or the political subdivisions thereof shall, upon a written request by the commission, furnish to the commission statistical information or data as the commission shall deem necessary to fulfill its duties and responsibilities.
- (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 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, but 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 medical examinations for the purpose of gathering evidence and treatment for preventing venereal disease in sexual abuse crimes and offenses.

(25) Carry out any powers expressly granted elsewhere in this article to the commission.

(26) All other powers necessary for the proper administration of this article. (Acts 1984, No. 84-658, p. 1308, § 5; Acts 1986, No. 86-510, p. 993, § 3; Acts 1990, No. 90-470, p. 677, § 2; Acts 1995, No. 95-494, § 1.)

**The 1995 amendment**, effective July 27, 1995, deleted "the provisions of" preceding "this article" throughout the section; substituted "but" for "provided, however" in subdivision (23); added subdivision (24); and made nonsubstantive changes.

#### **§ 15-23-6. Alabama Crime Victims Compensation Commission—Annual report required.**

The commission shall publish annually a report showing the fiscal transactions of the commission for the preceding year, the amount of the accumulated cash and securities of the commission and a balance sheet showing the financial condition of the commission by means of an actuarial evaluation of the assets and liabilities of the commission. (Acts 1984, No. 84-658, p. 1308, § 6.)

#### **§ 15-23-7. Audit of financial affairs of commission authorized.**

The Director of the Department of Examiners of Public Accounts shall at least once a year and at such other times as such director shall deem appropriate cause to be performed a detailed audit of the financial affairs of the commission and shall promptly notify the appropriate grand jury as to any possible violations of law. (Acts 1984, No. 84-658, p. 1308, § 7.)

#### **§ 15-23-8. Compensation for economic loss resulting from criminal conduct—Authorized; procedure.**

(a) The commission may award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met.

(b) The commission shall hear and determine all matters relating to claims for compensation, and shall have the power to reinvestigate or reopen claims without regard to statutes of limitation.

(c) The commission shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence. (Acts 1984, No. 84-658, p. 1308, § 8.)

#### **§ 15-23-9. Compensation for economic loss resulting from criminal conduct—Collateral source contribution not required.**

The commission shall not require any claimant to seek or accept any collateral source contribution, unless the claimant was receiving or was entitled to receive such benefits prior to the occurrence giving rise to the claim under the provisions of this article; provided, however, no applicant shall be denied compensation solely because such applicant is entitled to income from a collateral source. (Acts 1984, No. 84-658, p. 1308, § 9.)

#### **§ 15-23-10. Compensation for economic loss resulting from criminal conduct—Hearing required generally; procedure in contested cases; settlement by consent order, etc.**

(a) Every party to a claim shall be afforded an opportunity to appear and be heard and to offer evidence and argument on any issue relevant to the claim, and to examine witnesses and offer evidence in reply to any matter of an evidentiary nature in the record relevant to the claim.

(b) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice pursuant to regulations promulgated by the commission. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party who shall pay transcription costs unless otherwise ordered by the commission.

(c) The commission may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default. (Acts 1984, No. 84-658, p. 1308, § 10.)

#### **§ 15-23-11. Filing claim under article constitutes waiver of physician-patient privilege.**

(a) Any person filing a claim under the provisions of this article shall be deemed to have waived any physician-patient privilege as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant.

(b) If the mental, physical or emotional condition of a claimant is material to a claim, the commission upon physical examination may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and



scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the commission a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions.

(c) The commission, upon request, shall furnish the victim a copy of such report. If the victim is deceased, the commission, on request, shall furnish a copy of the report to the claimant.

(d) The commission may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed. (Acts 1984, No. 84-658, p. 1308, § 11.)

**Collateral references**—Physicians tort liability for unauthorized disclosure of confidential information about patient. 48 ALR4th 668.

#### **§ 15-23-12. When compensation not awarded, diminished etc.; reconsideration of award.**

(a) Compensation shall not be awarded in any of the following circumstances:

(1) A claim has been filed with the commission later than one year after the injury or death upon which the claim is based, unless the commission finds there was good cause for the failure to file within that time.

(2) To a claimant who was the offender, or an accomplice of the offender or who encouraged or in any way participated in the criminally injurious conduct.

(3) If the award would unjustly benefit the offender or accomplice of the offender.

(4) The criminally injurious conduct resulting in injury or death was reported to a law enforcement officer later than 72 hours after its occurrence, unless the commission finds there was good cause for the failure to report within that time.

(b) Compensation otherwise payable to a claimant may be diminished or denied to the extent that the economic loss is recouped from collateral sources; or the extent that the degree of responsibility for the cause of the injury or death is attributable to the victim as determined by the commission.

(c) The commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw, or reduce an award of compensation.

(d) The commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a commission decision for the purpose of judicial review. (Acts 1984, No. 84-658, p. 1308, § 12; Acts 1990, No. 90-470, p. 677, § 3; Acts 1995, No. 95-494, p. 994, § 2; Act 98-492, § 1.)

**The 1998 amendment** effective May 1, 1998, in subsection (a) inserted "in any of the following circumstances", in subdivision (1) substituted "A claim" for "Unless the claim" and substituted "based, unless" for "based or", in subdivisions (1) and (4) substituted "later than" for "within"; in subdivision (4) substituted "The criminally" for "Unless the criminally" and substituted "occurrence, unless the commission" for "occurrence or the commission"; in subsection (b) substituted

"(1) That" for "that", substituted "(2) Of" for "or to the extent that" and inserted "is" following "death"; and made nonsubstantive changes.

**Code Commissioner's Notes.** - Act 98-492, which amended this section and was approved by the Governor on May 1, 1998, provided that the act "shall become operative on the first day of the third month following its enactment."

#### **§ 15-23-13. Award not contingent on prosecution or conviction of offender; effect of proof of conviction; suspension of proceedings under article.**

Except as provided elsewhere in this article, an award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered. The commission may suspend the proceedings pending disposition of criminal prosecution that has been commenced or is imminent, but may make a tentative award under this section. (Acts 1984, No. 84-658, p. 1308, § 13.)

#### **§ 15-23-14. Award of compensation subrogates commission to rights of claimant as to collateral source; funds recovered from collateral source held in trust for commission; disposition of trust funds; notice of action to recover damages; restitution hearings.**

(a) If compensation is awarded, the commission shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded.

(b) In the event the claimant recovers compensation, other than under the provisions of this article, for injuries or death



resulting from criminally injurious conduct, the claimant shall retain, as trustee for the commission, so much of the recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Fund to the extent that compensation was awarded to the claimant from that fund. The funds retained in trust shall be promptly paid over to the commission and deposited in the Alabama Crime Victims Compensation Fund.

Whenever the commission shall deem it necessary to protect, maintain or enforce the commission's right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities the commission may initiate legal proceedings or intervene in legal proceedings.

(c) If a claimant initiates any legal proceeding to recover restitution or damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the commission written notice within 15 days of the filing of the action. The commission may intervene in the proceeding as a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the commission within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the criminally injurious conduct, the commission's right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the commission, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement; including, but not limited to, attorney's fees, expert witness fees, investigative costs or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed 15 percent of the amount subrogated to the commission.

(d) Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the commission may initiate restitution hearings in such criminal proceedings or intervene in the same. The commission shall be entitled to receive restitution in such proceedings to the extent that compensation was awarded. The commission shall be subrogated to all the rights and remedies of such claimant for the collection of restitution to the extent compensation was awarded; provided however, the commission shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate. (Acts 1984, No. 84-658, p. 1308, § 14; Acts 1986, No. 86-510, p. 993, § 4; Acts 1990, No. 90-470, p. 677, § 4.)

**Collateral references.**—Civil action for damages under state Racketeer Influenced and Corrupt Organizations Acts (RICO) for losses from racketeering activity. 62 ALR4th 654.

#### **§15-23-15. Amount and method of compensation; future economic loss generally; exemption from state and local taxes, etc.**

(a) Compensation for work loss, replacement services loss, dependent's economic loss, and dependent's replacement service loss may not exceed four hundred dollars (\$400) per week.

(b) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed fifteen thousand dollars (\$15,000) in the aggregate.

(c) The commission may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the commission may convert future economic loss, other than allowable expense, to a lump sum, but only upon a finding by the commission of either of the following:

(1) That the award in a lump sum will promote the interests of the claimant; or

(2) That the present value of all future economic loss, other than allowable expense, does not exceed five thousand dollars (\$5,000.00).

(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 findings that a material and substantial change of circumstances has occurred.

(e) An award shall not be subject to state or municipal taxation or to execution, attachment, or garnishment, except as the same may pertain to an obligation for the support of dependent children or as the same may pertain to a creditor which has provided products, services, or accommodations, the costs of which are included in the award.

(f) An assignment by the claimant to any future award under the provisions of this article is unenforceable, except any of the following assignments:

(1) An assignment of any award for work loss to assure payment of court-ordered child support.

(2) An assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee. (Acts 1984, No. 84-658, p. 1308, § 15; Acts 1990, No. 90-470, p. 677, § 5; Act 98-492, § 1.)

**The 1998 amendment**, effective May 1, 1998, in subsection (a) substituted "four hundred (\$400)" for "\$200.00"; in subsection (b) substituted "fifteen thousand dollars (\$15,000)" for "\$10,000.00"; in subsection (c), in subdivision (2) substituted "five thousand dollars (\$5,000)" for "\$3,000.00"; in subsection (f) inserted "any of the following assignments" following "except", in subdivision (1) substituted

"support; or" for "support.", in subdivision (2) inserted "an" preceding "allowable"; and made nonsubstantive changes.

**Code Commissioner's Notes.** - Act 98-492, which amended this section and was approved by the Governor on May 1, 1998, provided that the act "shall become operative on the first day of the third month following its enactment."



**§ 15-23-16. Alabama Crime Victim Compensation Fund; created; purposes; composition, administered or managed by commission.**

- (a) There is hereby established a special fund to be known as the Alabama Crime Victims Compensation Fund.
  - (b) The fund shall be placed under the management or administration of the Alabama Crime Victims Compensation Commission for purposes of providing compensation or other benefits to crime victims and for purposes of implementing this article.
  - (c) The fund shall consist of all moneys collected or received by the Alabama Crime Victims Compensation Commission from any source.
  - (d) The commission shall have control of the funds not inconsistent with this article and with the laws of Alabama.
  - (e) All moneys of the commission shall be covered into the State Treasury or deposited in a special trust account and may be withdrawn therefrom by vouchers or check signed by the chair of the commission pursuant to authorization given by the commissioner. All investments of moneys in the fund shall be either deposited with the State Treasurer for safekeeping upon receipt of the State Treasurer therefor or deposited with the bank in a custodial account. The commission shall have authority to expend moneys in the fund in accordance with this article and to invest any moneys so received pending other needs therefor in any investments which are legal investments for insurance companies under the laws of the state.
  - (f) No member of the commission shall have any interest in the investments or receive any commission with respect thereto.
  - (g) It shall be the duty of the commission to keep detailed permanent records of all expenditures and disbursements from the fund.
  - (h) The commission is authorized to accept and use funds available to it from all sources, such as grants, appropriations, gifts, donations, and other sources for purposes of implementing this article.
  - (i) The commission may not award any moneys for the six months immediately following passage of this article.
  - (j) The commission may not award or promise to award more moneys than are available in the fund.
  - (k) The commission shall not spend more than 25 percent of its funds for administrative costs.
- (Acts 1984, No. 84-658, p. 1308, § 16; Acts 1995, No. 95-494, § 3.)

**The 1995 amendment**, effective July 27, 1995, deleted "the provisions of" preceding "this article" throughout this section; substituted "not inconsistent" for "as shall not be inconsistent" in subsection (d); deleted "any" following

"deposited with" in the second sentence of subsection (e); deleted "any" following "interest in" in subsection (f); and made nonsubstantive changes.

**§ 15-23-17. Assessment of additional costs and penalties; collection and disposition of additional assessments, etc.**

(a) In all criminal and quasi-criminal proceedings for the violation of laws of the state or municipal ordinances which are tried in any court or tribunal in this state, wherein the defendant is adjudged guilty or pleads guilty, or is adjudicated a juvenile delinquent or youthful offender, or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case or wherein any penalty is imposed, there is imposed an additional cost of court in the amount of two dollars (\$2) for each traffic infraction, ten dollars (\$10) in each proceeding where the offense constitutes a misdemeanor and/or a violation of a municipal ordinance other than traffic infractions, and fifteen dollars (\$15) in each proceeding where the offense constitutes a felony, but there shall be no additional costs imposed for violations relating to parking of vehicles.

The amount of all costs shall be remitted by the person or authority collecting the costs to the chair of the commission on the tenth day of each month next succeeding that in which the cost is paid. It shall be the duty of the clerk or other authority collecting the court costs to keep accurate records of the amounts due the commission for the benefit of the fund under this section.

(b) In addition to the imposition of any other costs, penalties, or fines imposed pursuant to law, any person convicted or pleading guilty to a felony or a misdemeanor or a violation for which the person is adjudicated a juvenile delinquent, or a youthful offender, shall be ordered to pay a victim compensation assessment of not less than fifty dollars (\$50), nor more than ten thousand dollars (\$10,000), for each felony for which the person convicted or adjudicated and not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00), for each misdemeanor or violation for which the person was convicted, adjudicated, or otherwise disposed of when the court orders that costs be paid. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. Any person adjudicated a juvenile delinquent shall be ordered to pay a victim compensation assessment of not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000), for each adjudication, regardless of the underlying charge, but the assessment or penalty authorized by this subsection shall not be assessed or collected for any conservation, forestry, or water safety offense, nor any traffic offense, except those





that are punishable as a felony offense or involve the operation or actual physical control of any vehicle while intoxicated or under the influence of drugs, or reckless driving. If a court fails to specifically impose an assessment required by this section, the clerk of court shall automatically assess a victim compensation assessment in the minimum amount provided herein. The additional assessment or penalty shall be collected by the clerk of court insuring that the first twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor shall be promptly paid over to the commission. The second twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor assessment shall be promptly paid to the Office of Prosecution Services. Any victim assessment fees ordered above the minimum shall be paid to the commission fund.

(c) The Office of Prosecution Services shall create a Victim Services Fund and the assessments received by the Office of Prosecution Services shall be deposited into the Victim Services Fund. The funds received by the Office of Prosecution Services shall be distributed by the Executive Committee of the Alabama District Attorneys Association to the various district attorneys' offices to employ a minimum of one full-time victim service officer in each circuit and to provide other direct services to victims as needed. (Acts 1984, No. 84-658, p. 1308, § 17; Acts 1986, No. 86-510, § 5; Acts 1990, No. 90-470, p. 677, § 6; Acts 1995, No. 95-494, § 4.)

**The 1995 amendment**, effective July 27, 1995, in subsection (a), in the first paragraph, inserted "or is adjudicated a juvenile delinquent or youthful offender," and substituted "but" for "provided, however, that"; in subsection (b), in the first sentence inserted "or a violation for which the person is adjudicated a juvenile delinquent, or youthful offender," inserted "or adjudicated," inserted "or violation," and inserted "adjudicated," added the present third and fourth sentences, substituted "insuring that" for "imposing the same and" in the present fifth sentence; and made nonsubstantive changes.

The words "severity of the crime" contemplate that some crimes are more reprehensible than others and that they produce greater emotional suffering and societal disdain; therefore, the trial judge was authorized to consider the fact that the crime was "severe" because of its noneconomic impact upon family, friends and society. Ex parte Lewis, 556 So. 2d 370 (Ala. 1989).

List not exhaustive. – Although the legislature specifically listed several factors that a sentencing judge should consider, this list is not exhaustive. Ex parte Lewis, 556 So. 2d 370 (Ala. 1989).

Authorization to impose both fine and assessment. – The trial judge was authorized to impose both a fine and an

assessment under that Crime victims Compensation Act and that the total amount of the fine and assessment does not constitute an "excessive fine" since the \$10,000 assessment and the \$3,000 fine are both authorized, under the provisions of this section and § 13A-5-11, respectively. Ex parte Lewis, 556 So. 2d 370 (Ala. 1989).

Where both the fine and the assessment imposed upon the appellant were within the statutory limits, the total amount imposed did not constitute an "excessive fine." Garner v. State, 606 So. 2d 177 (Ala. Crim. App. 1992).

The Legislature has the power to authorize both a fine and an assessment under the provisions of the Alabama Crime Victims Compensation Act, and that the amount of this particular assessment is not "excessive." Ex parte Lewis, 556 So. 2d 370 (Ala. 1989).

Where defendant charged before amendment but sentence after amendment – Where defendant was charged with misdemeanor prior to effective date of the 1990 amendment, but was sentenced after amendment took effect, defendant could not be ordered to pay victim compensation assessment. Taylor v. State, 586 So. 2d 964 (Ala. Crim. App. 1991).

#### **§ 15-23-18. Penalties—Influence peddling.**

(a) Any person who confers, offers, or agrees to confer anything of value upon a member, agent or employee of the Alabama Crime Victims Compensation Commission with the intent that such member's or agent's or employee's vote, opinion, judgment or exercise of discretion or other action in such member's or agent's or employee's official capacity will thereby be influenced shall be guilty of a Class B felony.

(b) Any member, agent or employee of the Alabama Crime Victims Compensation Commission who shall solicit, accept, or agree to solicit or accept anything of value upon an agreement or understanding that such member's or agent's or employee's vote, opinion, judgment or exercise of discretion or other action as such member, agent, or employee will thereby be influenced shall be guilty of a Class B felony.

(c) It shall not be a defense to a prosecution under this section that the member, agent or employee sought to be influenced was not qualified to act in the desired way because of a lack of jurisdiction or for any other reason. (Acts 1984, No. 84-658, p. 1308, § 18.)

**Collateral references.** — Civil action for damages under state Racketeer Influenced and Corrupt Organizations Acts

(RICO) for losses from racketeering activity. 62 ALR4th 654.

#### **§ 15-23-19. Penalties—Failure of commission member to disclose conflict of interest.**

(a) A member, agent or employee of the Alabama Crime Victims Compensation Commission commits the crime of failing to disclose a conflict of interest if such member, agent or employee exercises any discretionary function in connection with a commission contract, purchase, payment or other pecuniary transaction pertaining to the commission without advance public disclosure of a known potential conflicting interest in the transaction.

(b) A "potential conflicting interest" exists, but is not limited to, when the member, agent or employee of the commission is a director, president, general manager or similar executive officer, or owns directly or indirectly a substantial





portion of any nongovernmental entity participating in the transaction.

- (c) Public disclosure shall mean a public announcement and written notification to the Attorney General.
- (d) Failing to disclose a conflict of interest is a Class C felony. (Acts 1984, No. 84-658, p. 1308, § 19.)

**§ 15-23-20. Penalties—Alteration of commission records, etc.**

Any member, agent or employee of the Alabama Crime Victims Compensation Commission who shall knowingly make a false entry or falsely alter any commission record; or who shall intentionally destroy, mutilate, conceal, remove or otherwise impair the verity or availability of any commission record with the knowledge of a lack of authority to do so; or who shall possess a record of the commission and refuse to deliver up such record upon proper request of a person lawfully entitled to receive the same shall be guilty of a Class C felony. (Acts 1984, No. 84-658, p. 1308, § 20.)

**§ 15-23-21. Penalties—Furnishing false information; failure to disclose material fact, etc.**

(a) Any person who shall knowingly furnish any false information to the Alabama Crime Victims Compensation Commission or to any member, agent or employee thereof with the intent to defraud the said commission; or with the intent to obtain an award of compensation for a person not entitled to receive the same shall be guilty of a Class C felony.

(b) Any person who shall knowingly fail or omit to disclose a material fact or circumstance to the Alabama Crime Victims Compensation Commission or to any member, agent or employee thereof which is material to a claim for an award of compensation with the intent to defraud the commission or with the intent to cause a person to obtain or receive an award of compensation to which such person is not entitled shall be guilty of a Class C felony. (Acts 1984, No. 84-658, p. 1308, § 21.)

**§ 15-23-22. Penalties—Unauthorized control over money or securities of commission.**

(a) Any person who shall knowingly obtain or exert any unauthorized control over any money or securities held on behalf of or in trust for the Alabama Crime Victims Compensation Commission with intent to deprive such commission of such money or securities shall be guilty of a Class C felony.

(b) Any person who shall knowingly obtain by deception any control over any money or securities held on behalf of or in trust for the Alabama Crime Victims Compensation Commission with intent to deprive such commission of such money or securities shall be guilty of a Class C felony. (Acts 1984, No. 84-658, p. 1308, § 22.)

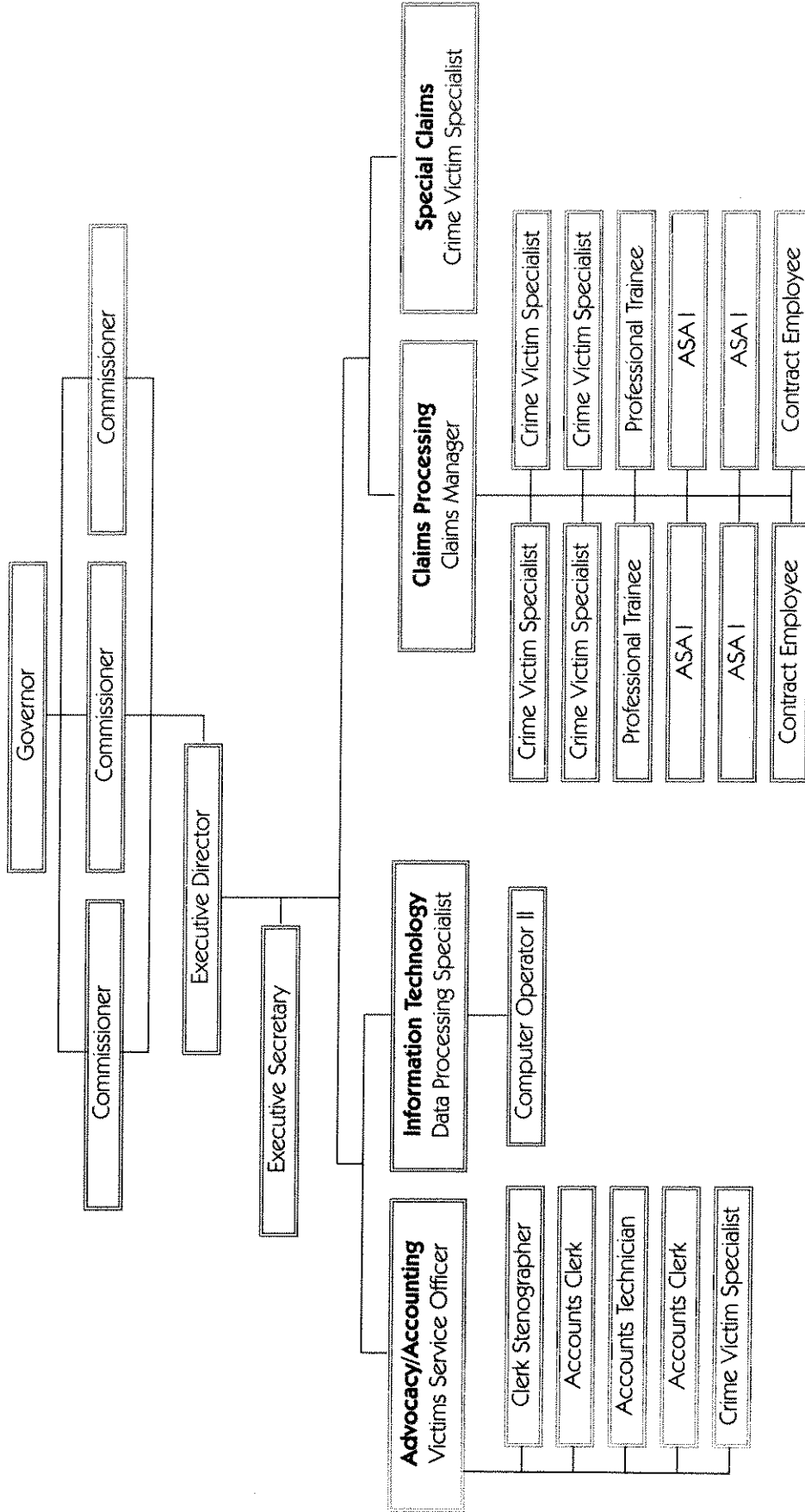
**§ 15-23-23. Certain persons deemed ineligible for compensation.**

Any person who shall perpetrate any criminally injurious conduct on the person of another or who shall be convicted of a felony after making application to the Alabama Crime Victims Compensation Commission for compensation shall not be eligible or entitled to receive compensation pursuant to any provision of this article. (Acts 1984, No. 84-658, p. 1308, § 23.)



# Exhibit B

## Alabama Crime Victims Compensation Commission



## Exhibit C

# Victim Compensation: It's Everyone's Responsibility

By Dan Eddy, Executive Director  
National Association of Crime Victim Compensation Boards

I once met members of a large extended family in a poor rural area, whose matriarch had been killed in a senseless act of violence. They were having difficulty dealing emotionally with her loss—this woman who had been the center of their lives, the tie to their family's past and traditions. Compounding their loss, was the monthly bill from the funeral home, which they could not pay, and represented not only a monetary burden for them, but also a constant reminder of her loss. As Christmas approached, family members faced a choice between buying toys for their children or paying off the funeral bill.

No one had told them about **crime victim compensation**. Fortunately, several months after the homicide, the victim's daughter spotted a poster in the local post office, telling her to contact the compensation program for help. Once she made the call, the funeral bill was paid with enough money to buy a headstone. Almost overnight, a huge load was taken off the family, helping them to move on with their lives while preserving the memory of their loved one.

Crime victim compensation is good news for crime victims. Every state in the country operates a program that can cover the medical expenses, counseling costs, lost wages, funeral bills, and a range of other losses for victims. And it's a resource that every victim service provider, police officer and prosecutor, and anyone else who works daily with victims can use

literally to help save and restore lives.

Telling victims about crime victim compensation is everyone's responsibility. It's a special duty of every professional who works with victims. Compensation programs depend almost entirely on people working in victim service programs, especially law enforcement programs, to let victims know that the program exists. Compensation programs have found that while various outreach efforts, such as distributing brochures and

*It's when someone becomes a victim, and is actually facing questions relating to the costs of crime, that he or she needs to hear about compensation.*

broadcasting PSA's, can increase awareness, most people don't retain information that they don't currently need. It's when someone becomes a victim, and is actually facing questions relating to the costs of crime, that he or she needs to hear about compensation.

A victim service provider doesn't have to be an expert about the details of compensation—though it certainly helps to know as much as possible about eligibility requirements and benefits. Simply telling the victim that the program exists can make a huge difference. Helping the victim fill

out an application form is even better. Service providers in VOCA-funded victim assistance programs should know that they are mandated, as a condition of their program receiving federal money, to provide information and assistance in filing for crime victim compensation. Assistance programs need to be sure that this mandate is fully honored.

What specifically can the victim service provider do to make sure that victims get every chance they can to access financial help? Here are some ideas:

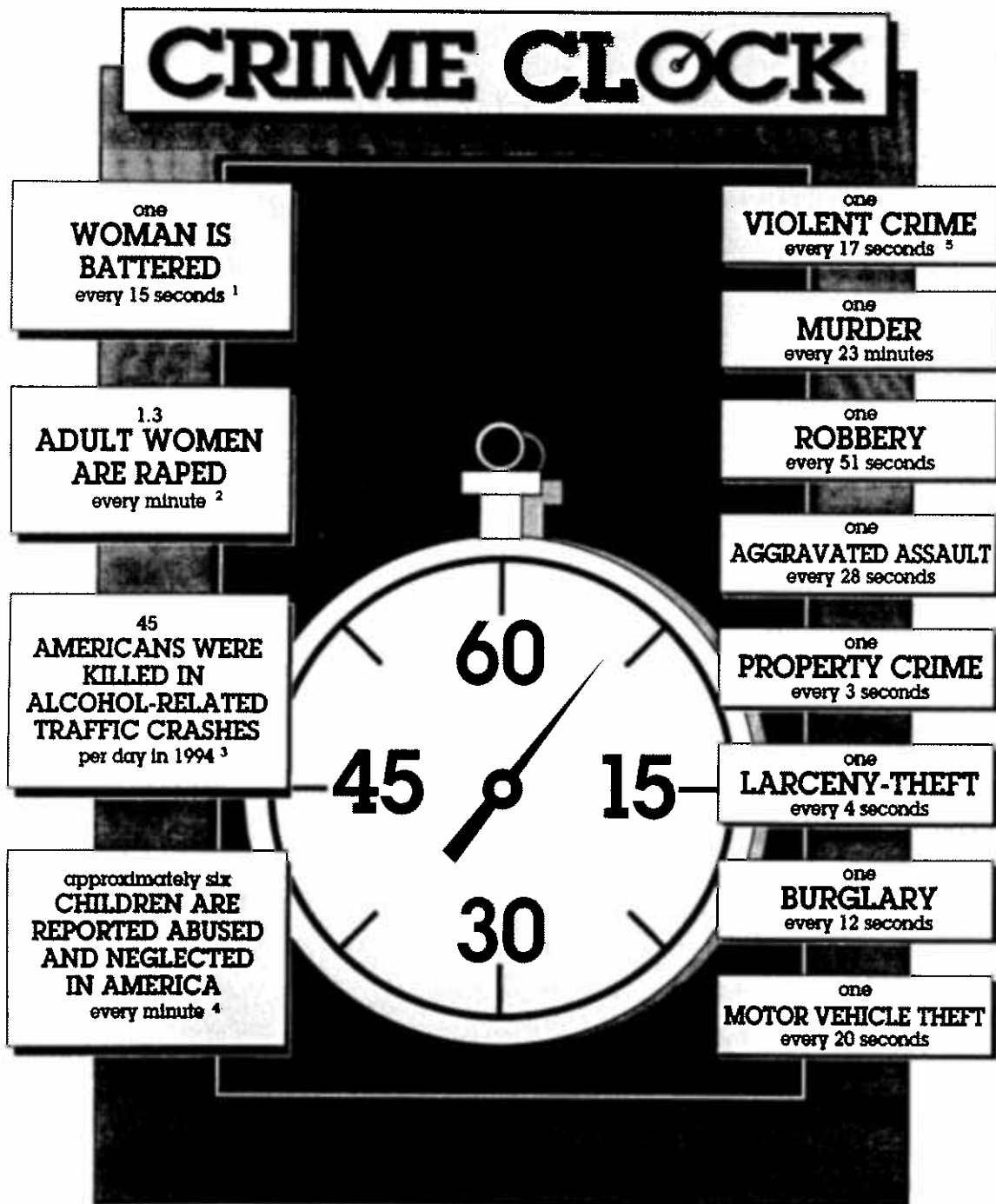
1. Ask the victim about financial losses.
2. Tell the victim about compensation.
3. Help the victim apply for benefits.
4. Follow-up with the program.
5. Follow-up with the victim.
6. Be patient

Compensation programs are grateful for the help victim service providers can provide. They know that without their assistance, most victims of violence would never know that financial help is available. Please continue to help victims by telling them about this important resource for recovery. And don't hesitate to get in touch with the compensation program in your state to get more information and improve your ability to assist victims through the process.


An excerpt from The National Center for Victims of Crime  
Volume 13, Number 4



Exhibit D

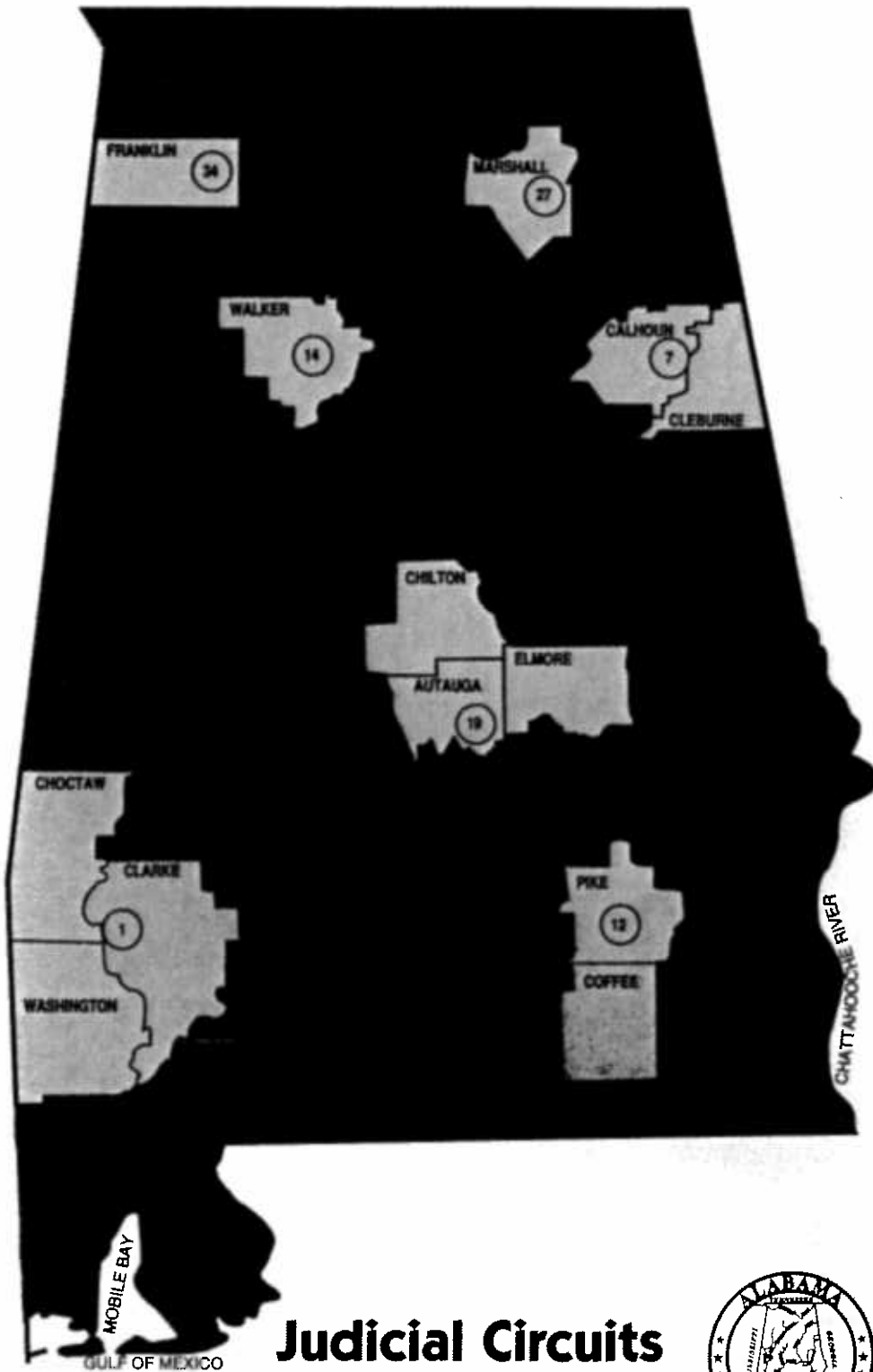


SOURCES: Left column, top to bottom: 1. See for discussion, John Schwartz's article, Washington Post, March 27, 1995, p. A4; 2. National Victim Center and Crime Victims Research and Treatment Center, 1992; 3. Mothers Against Drunk Driving, 1995; 4. Based on National Committee for Prevention of Child Abuse data, 1995; 5. All statistics in the right column are derived from the Federal Bureau of Investigation's Crime in the United States, 1994.

 **National  
Victim Center**  
1985-1995  
A DECADE OF SERVICE

ARLINGTON, VIRGINIA  
NEW YORK, NEW YORK

Exhibit E



**Judicial Circuits  
in Alabama**



# Notes

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# Notes