

The Alabama Crime Victims' Compensation Commission

Annual Report
October 01, 2018 to September 30, 2019



Helping Innocent Victims
of Violent Crime



In 2019, if we could have glimpsed the future, most of us would have been frightened to see a world resembling the movie "Outbreak." We have witnessed our nation suffer from overrun hospitals, mass fatalities including medical personnel, Navy ships docked to offer a respite to hospitals, refrigerated trucks serving as makeshift morgues, mass graves, deaths of multiple family members, selfish hoarding, product and food shortages in supermarkets, and the closure of businesses, schools and churches. Countless lost jobs, lack of income, long lines at food banks, the need for unemployment income, all seem preapocalyptic.

Horrible situations are made untenable by others. There were reports of an individual who purchased a retailer's entire inventory of tissue, napkins, and paper towels. A man and his brother travelled throughout Tennessee and Kentucky purchasing hand sanitizer and antibacterial wipes. They offered these items for resale at forty and fifty dollars per bottle, for what would have normally cost no more than a few dollars. A couple purchased the entire stock of meat from a store's meat department and bragged on social media. There was also a run on firearms. The normal five-minute wait for a background check, turned into a multi-week wait, due to the sheer number of purchases. The fear was not that the virus would morph the infected into flesh-eating zombies but others, including friends, neighbors, and strangers would turn to lawlessness if they were unable to legally meet their needs.

People's true nature was revealed. The sheer greed, and unrelenting disdain for the welfare of others revealed hearts and minds akin to that of wild beasts. For sure, COVID-19 has instilled fear, anguish, and uncertainty. However, those of us in victim services have seen the "other side." The "other side" is anger, frustration, loss of control, the lack of tolerance, hopelessness, and disregard for decency and human life.

Since the pandemic set upon Alabama, the rate of murders has increased. The capital city has seen multiple homicides each month. However, this has been noted elsewhere. According to New York Times journalists, Jeff Asher and Ben Horwitz, "Nine of 10 large U.S. cities have had more murders this year compared with last year at this time, and murder has tended to accelerate since the start of the pandemic." Other statistics also show an increase in the incidence of domestic violence.

The pandemic has had a negative effect on the Alabama Crime Victims' Compensation Commission. This is evidenced by increased applications, increased urgency from victims and claimants, and a precipitous reduction in revenue, due to mass unemployment. With compensation programs throughout the United States in the same predicament, the Commission endeavors to assist innocent victims of violent crimes or their families with eligible expenses.

Just like an umbrella for the rain, the Commission is here just in case the need arises, and stands ready to assist when possible.



Cassie T. Jones, Ed.D.
EXECUTIVE DIRECTOR

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

P.O. Box 231267
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COMMISSIONERS
Holly Brown-Owens, Ph.D.
Sheriff Jay Jones
Miriam Shehane

Honorable Kay Ivey
Governor of Alabama
Alabama State Capitol
Montgomery, AL 36130

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

Dear Governor Ivey, Ladies and Gentlemen:

On behalf of the Commissioners of the Alabama Crime Victims' Compensation Commission (Commission) and dedicated staff, it is my honor to submit the Annual Report of the Commission for the period October 1, 2018 through September 30, 2019. This report outlines those areas under the auspices of the Commission, as well as activities the Commission has endeavored to present and sustain each year.

For the aforementioned period, a total of \$2,717,727.79 was provided to victims of violent crimes for financial losses they incurred as a result of victimization. Since the Commission's inception in 1984, \$114,596,307 have been provided to assist victims of crime.

As always, we are appreciative of assistance received from law enforcement officers, judges, district attorneys, victim service officers, victim advocacy groups, and service providers who work in tandem with us to serve those who have suffered immeasurable loss.

Thank you for supporting the Commission.

Sincerely,

Cassie T. Jones, Ed.D.
Executive Director

Reach for our helping hand.

334-290-4420 334-290-4455 (fax) 1-800-541-9388 (victims only)

www.acvcc.alabama.gov

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Dr. Holly Brown Owens is the Lead Biology Instructor for the Science Department at Wallace Community College in Selma, Alabama. Prior to coming to Alabama, Dr. Owens was a Physical Scientist with the National Oceanic and Atmospheric Administration in Charleston, South Carolina. While in South Carolina, she was afforded the opportunity to travel abroad on many occasions to present her research as well as meet with past Nobel Laureates in Germany to discuss the trends of minorities in Science. She received her Bachelors of Science in Biology from Stillman College and her Masters and Ph.D. from Florida Agricultural and Mechanical University. Dr. Owens teaching interests include Anatomy and Physiology as well as Microbiology. Dr. Owens' work in Selma and Montgomery over the past decade has allowed her to work closely with many different young people in a variety of settings. She communicates directly with them about their needs while discovering ways to be most helpful. Dr. Owens resides with her husband and three children in Montgomery, Alabama.



Sheriff Jones began his law-enforcement career with the Lee County Sheriff's Office in 1975. He has experienced all aspects of the operations of the Sheriff's Office. He was first elected Lee County Sheriff in 1998 and is still serving. He obtained a BS degree from Auburn University in 1976 and a MS degree from Troy State University in 1980. His professional education and training includes the FBI National Academy (146th session), FBI Law Enforcement Executive Development Seminar (58th session), National Sheriff's Institute (Class 00-1), Southern Law Enforcement Executive Development Seminar (1999), and the United States Secret Service Dignitary Protection Seminar (2003). His professional affiliations include service as a governor's appointee to the Advisory Committee on Women in Criminal Justice, the Alabama Crime Victim's Compensation Commission, the Alabama Local Government Records Commission and the Alabama Peace Officers Annuity and Benefit Fund board. His professional memberships include the FBI National Academy Associates, the Police Futurists International, the National Sheriff's Association, the Alabama Sheriff's Association, the Law Enforcement Executive Development Association, the Alabama Jail Association, the Alabama Peace Officers' Association and the Fraternal Order of Police Lodge #21. Sheriff Jones' civic involvement includes membership in the Auburn Rotary Club and the Bleecker Ruritan Club. He has also served as an adjunct instructor of Criminal Justice at Auburn University.



Miriam Shehane was appointed to the original Commission in 1984 for a four-year term by Governor George Wallace and was re-appointed by Governor Guy Hunt in 1988. She served until 1992 and was re-appointed in July 1993 by Governor Jim Folsom, July 1998 by Governor Fob James and July 2001 by Gov. Siegelman. She is a former banker and has worked as the Victim Service Officer in the District Attorney's Office in Montgomery and as the Supervisor of the Attorney General's Office of Victim 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, Victims of Crime and Leniency, and has served on the Board since its inception in 1982. She found out about trauma of victimization first hand when her 21 year old daughter Quenette, was murdered in 1976 while enrolled at Birmingham Southern. Mrs. Shehane's son, Jon, passed in January 2012. Miriam and her husband, Edward, (who passed in 2016), have one child, 7 grandchildren, 8 great-grandchildren, and reside in Clio, Alabama.



Dr. Cassie Jones began her service as the Executive Director of the Alabama Crime Victims' Compensation Commission on August 1, 2007.

Dr. Jones served in various capacities at Stillman College in Tuscaloosa, Alabama marked by increasing levels of responsibility. Her career began at Stillman as the Director of the Community Service Center, after which she served as the Director of Experiential Learning. In 2002, Dr. Jones was appointed to serve as the Director of Institutional Research and Assistant to the President, a senior management cabinet position, responsible for the daily operation of the President's Office.



Dr. Jones has worked in the corrections and law enforcement fields. She served as a Corrections Officer at both a male and female facility in the state, and met the Alabama Peace Officers Standard Training requirements. She graduated from the Alabama Criminal Justice Training Academy, where she was sworn in as an Alabama State Trooper. She garnered experience with the legislature during her tenure as an Analyst with the House Corrections, Probation and Parole Committee in Florida. She has varied experience and has served as an Assistant Station Manager for the Far Eastern Division of the American Red Cross in Iwakuni, Japan.

Dr. Jones holds a Doctorate in Higher Education Administration from the University of Alabama, a Master's in Public Administration from Florida Agricultural and Mechanical University, a Bachelor's in Criminal Justice from the University of Alabama, and a certificate of Educational Management from Harvard University. She is a member of Alpha Kappa Alpha Sorority, Incorporated.

It is the mission of the Alabama Crime Victims' Compensation Commission to provide timely and efficient assistance to innocent victims of violent crime in a confidential manner. The Commission primarily offers this assistance by providing eligible victims of violent crime with financial assistance for qualified expenses, while always being mindful that crime victims have the right to be treated with fairness, compassion and respect. The Commission also works in conjunction with others in the victim service community to advocate for victims' rights and other related issues.

Creation of the Alabama Crime Victims' Compensation Commission (Commission)

In its wisdom, the Alabama Legislature passed the Alabama Crime Victims' Compensation Commission Act June 1, 1984, becoming the 40th state to pass a law to compensate victims of violent crime. The year 2019 marked 35 years of assistance being available to Alabama's innocent victims of violent crimes. The Commission provides the only substantial financial compensation to victims for expenses due to personal injuries. This includes medical expenses, funeral expenses, counseling expenses, lost wages, moving expenses, prescription expenses, and emergency funds. All applicants must meet eligibility criteria before compensation may be awarded. Alabama has a unique program that incorporates the best of many other states' programs, as well as some original ideas of its own

One of the features of Alabama's law which makes it unique is the existence of a three-member Commission, appointed by the Governor. Additionally, there is a requirement to include on the Commission, either a victim of a crime of violence who suffered serious personal injury or an immediate family member of a homicide victim. This provision insures that each claim is viewed through the eyes of a victim. The law also provides that one member must be a law enforcement officer with a minimum of 10 years experience in or with a law enforcement agency that investigates violent crimes. This provision lends a great deal of expertise to the decision-making process.

Amendments to the Compensation Law

In 1986, amendments to the ACVCC law passed requiring all persons convicted of a felony pay a victim assessment fee.

In the 1990 regular session of the Legislature, amendments passed increasing the limits for funeral expenses from \$2,000 to \$3,000. This amendment also provides additional funding for district attorneys to employ at least one victim service officer in each circuit.

- In the 1995 regular session of the Alabama Legislature, amendments passed authorizing payments for sexual assault examinations; further defining reasons for diminishing or denying compensation awards; and clarifying that additional costs and assessments shall be assessed in certain juvenile and youthful offender cases.

1995 was a historic year for crime victims in Alabama because the Alabama Constitution was amended to include certain rights for victims of crime. This constitutional amendment provides that within seventy-two hours of the criminal event, the law enforcement agency investigating the crime will provide the victim with a form to invoke his/her rights pursuant to the constitution. Furthermore, the form given by the law enforcement officer will inform the victim of the existence and availability of financial assistance from the Commission. This constitutional amendment makes it possible for more victims to be notified of the Commission and the benefits it has to offer.

During the 1997/1998 regular session, the Alabama Legislature, amended the ACVCC law making the following changes:

- Criminally Injurious Conduct shall include the act of terrorism as defined in §2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state.
- The maximum compensation allowance increased from \$10,000 to \$15,000.
- Increased the allowable amount for expenses relating to funeral, cremation, or burial from \$3,000 to \$5,000.
- Increased compensation for work loss, replacement services loss, and dependents' replacement service loss from \$200 to \$400 per week.
- The maximum compensation for future economic loss increased to \$5,000.
- Clarifying language added to §15-23-4 to keep the names and addresses of the victim or claimant confidential.
- Language 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 added to §15-23-12 to clarify reporting to a law enforcement officer "later than" seventy-two hours after the crime's occurrence, unless the Commission finds there was good cause for the failure to report within that time.

During the 2014 regular session, the Alabama Legislature amended the ACVCC law to make the following changes:

- The maximum compensation allowance was increased from \$15,000 to \$20,000.
- Increased the allowable amount for expenses relating to funeral, cremation, or burial from \$5,000 to \$7,000.
- Increased compensation for work loss, replacement services loss, and dependents' replacement services loss from \$400 to \$600 per week.
- The \$5,000 maximum for future economic loss was removed and replaced with maximum payout.
- Language was added to address loss of income by domestic violence victims who escaped an abusive relationship.
- A provision for promotional items was added.

The Commission is funded by the collection of fines, court costs, restitution, donations, and a federal grant.

Court Costs

The clerk of court for each respective judicial circuit collects the fines, fees, and restitution owed to the Commission by criminal offenders. The court clerk remits these monies to the Commission each month. The court clerk is responsible for the important task of maintaining accurate records of the amounts due the Commission for deposit into the Crime Victims Compensation Fund.

The Commission receives \$2 from each moving traffic violation such as a speeding ticket. For each misdemeanor or violation of a municipal ordinance an additional court cost of \$10 is collected for the Crime Victims Compensation Fund. If the offense constitutes a felony, \$15 in additional court cost is imposed.

Victim Assessment Fees

Alabama law requires a Victim Assessment Fee be imposed for all felony or misdemeanor convictions. The minimum victim assessment fees are mandatory; however, the judge does have discretion to order an amount above the minimum. Judges are required to order the victim assessment fee for juvenile and youthful offender cases as well as adult cases.

Amended in 1990, the felony victim assessment fee minimum is \$50, with a maximum assessment of \$10,000 possible. The Commission receives the first \$25 of the assessment. The Office of Prosecution Services receives the second \$25 of the assessment. The Commission receives any portion of the assessment above the minimum.

The misdemeanor victim assessment fee minimum is \$25, with a maximum assessment of \$1,000 possible. The Commission receives the first \$12.50 of the assessment. The Office of Prosecution Services receives the second \$12.50 of the assessment. The Commission receives any portion of the assessment above the minimum.

Subrogation

Under Alabama law, the Commission is automatically subrogated to the victim's or claimant's rights to recover compensation from collateral sources; such as, insurance payments, civil suit recoveries, restitution orders, or settlements. Alabama law requires a victim or claimant who initiates any legal proceeding to recover restitution or damages related to the victimization, provide the Commission written notice of the action within fifteen days of filing the action. The Commission is subrogated to the extent of any compensation awards resulting from the given victimization.

Restitution

Judges may order defendants to pay restitution to the victim for expenses incurred as a result of the victimization. In cases where the Commission has awarded compensation, restitution may be ordered directly to the Commission as reimbursement.

Federal Grant

In 1984, the United States Congress passed The Victims of Crime Act (VOCA). The U.S. Department of Justice, as mandated by the VOCA legislation, collects fines and fees from offenders convicted of federal violations. Each year these federal funds are made available to the various states' crime victims' compensation programs in the form of federal grants. The Commission makes application for reimbursement funds in an amount not to exceed 60% of the total dollars paid as compensation to violent crime victims.

The staff of the U.S. Attorneys Office, the Federal Bureau of Prisons, the Federal Probation Office, and the Victims of Crime Fund have our thanks for their diligence in collecting the federal fines and disbursing those awards to the states. These federal funds make it possible for the Commission to provide compensation benefits to all eligible victims of violent crime in Alabama.

Donations

Alabama law allows the Commission to accept gifts and donations. The Commission is grateful to those who have generously chosen to donate to the Alabama Crime Victims' Compensation Fund.

How to Apply

A crime victim or their representative (claimant) makes application by completing and signing a compensation application. An application may be obtained by calling (334) 290-4420 or toll-free at 1-800-541-9388 (victims only). The application and other information about compensation is available on the Commission website, www.acvcc.alabama.gov. Applications and brochures are generally available at district attorneys' offices, sheriffs' offices, and police departments. Each district attorney's office has a victim service officer (VSO) available to inform and assist victims with compensation applications. The Commission's staff is also available to answer questions and assist in completing the application. The application is available in English and Spanish. The Commission offers free language assistance to persons with limited English proficiency.

Eligibility

Any person who is an innocent victim of criminally injurious conduct and who has sustained personal injuries as a result, a surviving spouse or child of a victim who died as a result of criminally injurious conduct, or a person authorized to act on behalf of a victim or a dependent may be eligible for compensation. Applicants must meet all eligibility criteria before compensation may be awarded.

Compensation May Include

Currently, the maximum compensation is \$20,000 with limitations on certain expenses. The compensation may cover the following:

- Medical care—including doctor and hospital care, dental expenses, prescriptions, medical supplies, inpatient psychiatric care, etc. This does not include expenses covered by insurance. Medical expenses are reimbursed at a reduced rate.
- Counseling—including counselor, psychologist or psychiatric fees for counseling, unless covered by another source. There is a maximum of fifty sessions or \$6,250, however, up to \$8,000 may be available for exigent circumstances. Payments are limited to \$80 per hour for licensed professional counselors and social workers; \$100 per hour for psychologists; and \$125 per hour for psychiatrists. The rate for group therapy is \$60 per hour.
- Funeral expenses—including funeral home expenses, cremation, burial expenses, and monument up to \$7,000 combined.
- Work Loss—including the victim, claimant, or immediate family member's net (take-home) weekly pay for a reasonable length of absence from work. There is a maximum of \$600 per week for work loss, annual leave, sick leave, personal leave or holiday, up to fifty-two weeks may be considered.
- Rehabilitation—including vocational or physical therapy, if not covered by another source.
- Property—only property damaged as the result of the violent crime is eligible. This does not include automobile repairs, insurance deductibles, appliances, or money. A maximum of \$3,000 may be awarded for eligible property expenses, with clothing limited to a \$500 maximum.
- Moving—up to \$1,000 total for security deposits, utility deposits, or moving costs may be available in extreme circumstances when the victim is in imminent physical danger and the offense occurred at the victim's home.

- Future economic loss—future expenses or losses to the victim or victim's dependents resulting from the victimization. Losses must be justified with an explanation of how losses were calculated.
- Replacement services loss—expenses the claimant would not have suffered had the victim lived may not exceed \$600 per week and is limited to a maximum of 52 weeks.
- Travel—expense incurred to obtain out-of-town medical or psychiatric care, to attend court proceedings related to the victimization, or attend the victim's funeral. Compensation is based on current State of Alabama, in-state travel guidelines.

The Commission compensates only those expenses not covered by another source, such as insurance, workers' compensation, etc. The Commission will not award compensation if it results in a double recovery for the victim or claimant. Stolen property, checks, and cash are not eligible for compensation.

Supplemental Compensation

Provision is made for supplemental compensation, within the defined maximums, as additional expenses arise. The victim or claimant need only submit the expense and the Commission will review the supplemental request for eligibility. In instances where the supplemental compensation request is \$1,000 or less, the Executive Director may determine eligibility.

Travel expenses to a parole hearing may also be considered as supplemental compensation. In order to be eligible, the victim or claimant must have a timely, approved compensation claim.

Emergency Compensation

Provision is made for disbursement of emergency compensation, up to \$2,000, in cases where urgent need is substantiated and critical services cannot be obtained without payment.

Sexual Assault Exams

In July of 1995, Alabama 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 assault crimes. The Commission also pays for the HIV prophylaxis. When medical personnel evaluate a sexual assault victim, a forensic evidence kit is collected. The bill for these services is then submitted to the Commission for payment consideration. This provision ensures sexual assault victims do not have to pay for the collection of forensic evidence.

Sexual assault victims may be compensated for other eligible expenses incurred and are encouraged to make application using the regular compensation application.

Application Received

The processing of a compensation claim begins with the receipt of an application. The application is date-stamped and given to an Administrative Support Assistant (ASA). The ASA enters the application information in a claims management system and assigns a claim number. The ASA reviews the application for completeness and mails a letter to the claimant confirming receipt of the application. If additional information is needed from the claimant, it is requested in the receipt confirmation letter. The claim is then given to a Crime Victim Compensation Specialist (Specialist) for the verification process.

Verification

The Specialist verifies what happened to the victim and if the claim meets the eligibility criteria set forth in the *Code of Alabama* and the Commission's administrative code. All bills submitted for payment are verified with the medical/service provider for accuracy. Other investigations relating to the crime such as forensics evaluation, law enforcement investigative reports, and other relevant information are requested. The Specialist uses this information to make an informed recommendation to the Commission about the claim's eligibility. A determination of the criminal charges against the defendant and status of the criminal case is made as well. This is needed to ascertain whether restitution or other court costs have been accessed. When the verification is complete, a summary statement of the victimization is presented to the three-member Commission for eligibility determination. The Commission has authorized the Executive Director to determine eligibility of initial claims where the total compensation requested is \$2,000 or less and of supplemental requests of \$1,000 or less.

Commission Meetings

The Commission holds an open, public meeting, at its office, on the second Thursday of each month. Meetings are scheduled for 10:00 a.m. Other meetings may be held at such times and places as its members elect. From time to time, the Commission must change the regularly scheduled meetings. All updates will be made on the Alabama Secretary of State's website.

For each claim on the non-consent docket, the Commissioners discuss the summary of facts and render a decision on eligibility based on the facts presented. If the request for compensation is approved as eligible, a letter is sent to the claimant informing them of the approval and any payment(s) made.

The Commission may determine only a portion of the request is eligible or that actions of the victim warrant a reduction of the compensation. If the compensation is reduced, a certified letter is sent to the claimant explaining the reason for the reduction and any payment(s) made.

If the request for compensation is not approved as eligible, a certified letter is sent to the claimant explaining the reason for the determination.

Notification of the eligibility determination and payment(s) is also sent to the appropriate district attorney's office, probation office, and court clerk's office. This information is provided to assist at any restitution hearings related to the victimization.

Eligibility Criteria

- The victim must have suffered bodily injury or psychological injury as the result of a direct, face-to-face threat of physical injury, or actual physical injury or death as a result of the criminal actions of another.
- The incident must have occurred on or after June 1, 1984.
- The claimant must submit a signed and notarized claim application.
- The claimant/victim must be a United States citizen, legally present in the United States, or an alien eligible for public benefits. Victims of domestic violence and victims of human trafficking are considered aliens eligible for public benefits.
- Proof of U.S. citizenship, legal presence in the U.S., or proof of being an alien eligible for public benefits must be provided for every claimant/victim.
- The incident must have been reported within 72 hours after its occurrence or the Commission must find there was good cause for the failure to report within that time.
- The application must be filed within one (1) year of the incident unless the Commission finds there was good cause for the failure to report within that time.
- The claimant or victim must cooperate fully with law enforcement and the Commission staff.
- The Commission will not pay for expenses covered by a collateral source. For example, insurance, and/or restitution from the offender.
- The victim or claimant must not be the offender or an accomplice of the offender. For example, a victim who was committing a robbery when he/she was injured would not be eligible for compensation benefits.
- No portion of the compensation benefits shall benefit the offender or accomplice.
- Applicants who commit criminally injurious conduct or are convicted of a felony after making application for compensation benefits are ineligible for compensation benefits.
- A claim may be reduced or denied if it is determined that the claimant/victim contributed to the criminally injurious conduct.

Appeal

If a claimant disagrees with the Commission's decision regarding his/her claim's eligibility, the claimant may request an appeal. The request for an appeal must be made to the Commission in writing and must be signed by the claimant. The Commission must receive the appeal request within thirty days of the claimant's notification of the decision.

When a timely request for an appeal is received, the claim is placed on the Commission's appeal docket. The Commission sends the claimant notice of the hearing via certified and regular mail. The *Notice of Administrative Appeal Hearing* advises the claimant of the procedure for the hearing and the Commission's assertions of fact and law.

The hearings are presided over by a governmental hearing officer; however, the three-member Commission renders the final decision in the appeal hearing. After the Commission renders its final decision, a *Final Order*, detailing the Commission's findings is prepared and sent to the claimant via certified mail.

Administrative Division

The Commission's Administration section oversees the day-to-day operations of the agency. Administration is composed of the Executive Director's office, Deputy Director, Staff Attorney/Personnel officer, Executive Secretary, Restitution Recovery, Victim Service Officer, and Reception.

The Executive Director reviews all claims prior to the monthly commission meeting and renders decisions on claims up to \$2,000. The Director is accountable for the efficiency of the office to the Commission Board Members.

The Deputy Director assists the Executive Director with the Commission's daily operations.

The Executive Secretary functions as an assistant to both the Executive Director and the Legal/Personnel Department. This position provides crucial support services in both areas.

Legal/Personnel is responsible for agency legal matters and representation, including appeal hearings and court appearances. The attorney manages all agency personnel matters and promulgates rules, regulations, and policies and procedures, at the Commission's request.

The Restitution Recovery Unit is charged with seeking ways to improve the collection of restitution, subrogation monies, and court ordered fees. The role of the Restitution Recovery Officer is to:

- Work with District Attorneys and Circuit Clerks to ensure Alabama courts order restitution to the Commission.
- Work with District Attorneys and Circuit Clerks to amend existing restitution orders to the Commission.
- Provide information to Victim Service Officers and Restitution Officers to assist them in collecting outstanding restitution.
- Provide training to court officials, various agencies, and the general public.
- Notify the Parole Board of outstanding restitution owed by inmates scheduled for a parole hearing.
- Notify victims and civil attorneys of the Commission's subrogation rights when civil suits arise as a result of the violent crime.

The Victim Service Officer (VSO) educates the general public regarding the services available to victims and claimants at the Commission. In addition, the VSO provides direct services to victims, such as accompanying them to court proceedings and parole hearings.

The Receptionist answers incoming calls to the agency. The Receptionist is often a victim's first contact with the Commission. This position distributes all mail received, routes incoming fax communications, and distributes compensation applications and literature requested by victims, law enforcement, other service agencies, etc.

Accounting Division

The Accounting Division is composed of a Staff Accountant, Accountant, Accounting Technician and an Account Clerk. The section is responsible for:

- Disbursement of checks to victims, claimants, and service providers.

- Managing accounts payable and receivable.
- Preparing the agency budget for the Commission.
- Preparing monthly financial reports for the Commission.
- Maintaining the agency property inventory.
- Receipt and deposit of fines collected by municipal or circuit courts, restitution monies, and subrogation monies.
- Management of federal grant.
- Maintaining the agency supplies and consumables.

Very few compensation programs in America have the advantage of having an accounting division within the compensation program. The opportunity to totally process a claim, from beginning to conclusion, within the agency is beneficial to victims. The Commission is an autonomous state agency. This eliminates the need for outsourcing most needs and expedites services to violent crime victims.

Information Technology Division

The Information Technology Division of the Commission manages the technology used by the staff of the ACVCC in providing services to victims. There are two staff in the IT Division; the IT System Specialist and an IT Systems Specialist, Associate. Among this divisions' duties are:

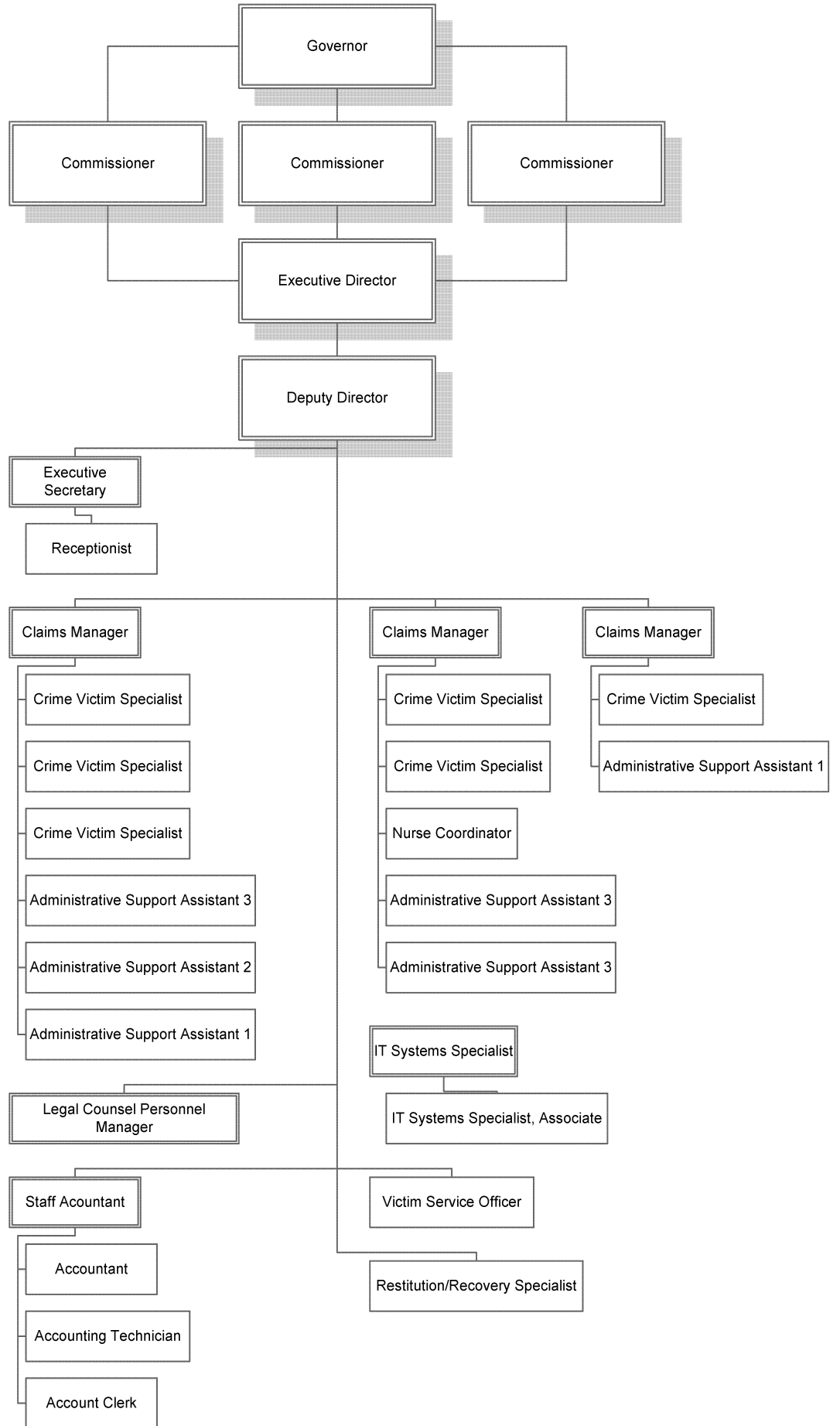
- Serve as the agency contact with outside vendors and other state/federal entities for issues involving technology.
- Establish hardware and software requirements of the Commission and recommend product purchases to meet these needs.
- Provide training, serve as the technical training contact, and provide technical assistance to Commission staff as needed.
- Serve as the database administrator which includes overseeing design, implementation, and mining of compensation data to ensure accurate production of documentation, correspondence and statistics.
- Act as the Commission's contact for the Alabama Consolidated Email service.
- Maintain all backup materials of the Commission's database and network.
- Maintain the Commission website.
- Design print materials used by the Commission.

Claims Division

The Claims Division is separated into three subdivisions; Claim A, Claims B and Claims C. Each has a Claims Manager, multiple Crime Victims Compensation Specialist, and multiple Administrative Support Assistants (ASA). Administrative Support Assistants receive new claims, enter claims information into the database, and do preliminary work to establish the eligibility of the claim. Claims are then assigned to a Crime Victims Compensation Specialist for eligibility verification. The specialists determine eligibility of each claim based on the Code of Alabama and the Administrative Code of Alabama.

In addition to verifying eligibility of claims, claims staff assist victims of violent crime in obtaining needed services from other entities. Through their personal contact with victims, the claims staff discern what the victims'/claimants'/survivors' needs are, and whenever possible, refer them to community resources for other assistance.

ORGANIZATIONAL CHART



Commission Publications

The Commission publishes numerous brochures about victims' rights and issues. Some of these were created by the Commission and some were made available by a grant from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Many brochures are also available in Spanish. The Commission also publishes the book, [What's Left After Crime? HOPE!! \(Revised 2011\)](#). Publications may be obtained by contacting the Commission's office, downloading them from acvcc.alabama.gov, or attending the Commission's training events. The publications are provided to claimants, victims, and allied professionals free of charge.

[A Guide to Survival](#)
[After the Trial](#)
[Assault Victimization](#)
[Child Abuse Victimization 12-16](#)
[Child Abuse Victimization 6-11](#)
[Domestic Violence Victimization](#)
[Drunk Driving Victimization](#)
[Homicide Co-Victimization](#)
[Robbery Victimization](#)
[Sexual Assault Victimization](#)
[Stalking Victimization](#)
[Victim Responsibilities](#)
[What is Teen Dating Violence](#)
[Victimas de agresión \(Spanish\)](#)
[Maltrato infantil 12-16 \(Spanish\)](#)
[Maltrato infantil 6-11 \(Spanish\)](#)
[Victimas del la Violencia Doméstica \(Spanish\)](#)
[Victimas de quienes conducen ebrios \(Spanish\)](#)
[Victimas del robo \(Spanish\)](#)
[Victimas del acecho \(Spanish\)](#)

Persons with Limited English Proficiency

The Commission provides Persons with Limited English Proficiency with meaningful access to its services. Free language assistance is provided during every stage of the compensation process.

FINANCIAL SUMMARY

OCTOBER 01, 2018 TO SEPTEMBER 30, 2019

RECEIPTS

Court Fees - City	977,088.43
Court Fees - County	753,617.20
Restitution	187,735.30
Victim Assessment Fees	824,234.06
Civil Suits	27,533.72
Interest from Investment Holdings	290,930.30
General Fund Transfer - Appropriated	89,775.00
Federal VOCA Funds	1,412,000.00
Miscellaneous	48.33

TOTAL

:

DISBURSEMENTS

Awards Paid to Victims of Violent Crime	2,717,727.79
Prior Year Expenditures	42,201.26
Federal Expenditures	0.00
Bank Charges/Fees	20,441.59
Unclaimed Property	2,235.44
Miscellaneous Expenditures	255.70

Administrative Costs

Personnel Costs	1,444,069.68
Employee Benefits	602,878.16
Travel - In-state	3,207.62
Travel - out of state	2,601.30
Repairs & Maintenance	11,479.31
Rentals & Leases	8,808.15
Utilities & Communication	65,580.39
Professional Services	100,602.12
Office Supplies	38,818.06
Transportation Costs	3,182.27
Grants and Benefits	89,871.00
Capital Outlay	0.00
Transportation Equipment	0.00
Office Equipment	2,031.25

Total Administrative Costs

2,373,129.31

INITIAL CLAIMS RECEIVED & PAID		
FY	RECEIVED	DOLLARS PAID
84/85	215	226,638
85/86	457	704,889
86/87	563	1,019,933
87/88	653	1,507,203
88/89	829	1,935,809
89/90	1,128	2,518,898
90/91	1,557	3,628,024
91/92	1,576	3,385,069
92/93	1,499	3,053,654
93/94	1,495	3,403,686
94/95	1,485	3,176,429
95/96	1,633	3,130,017
96/97	1,712	3,387,091
97/98	1,716	3,209,107
98/99	1,819	5,962,583
99/00	1,889	3,948,364
00/01	2,508	5,105,190
01/02	2,997	6,207,440
02/03	2,793	3,510,262
03/04	2,806	3,255,164
04/05	2,893	2,977,545
05/06	2,498	4,034,993
06/07	2,761	6,001,443
07/08	2,902	3,913,670
08/09	2,827	4,917,253
09/10	2,648	4,386,510
10/11	2,643	2,231,223
11/12	2,643	2,193,474
12/13	2,290	2,801,424
13/14	2,091	2,866,179
14/15	2,102	2,644,232
15/16	2,454	2,325,687
16/17	2,571	3,244,156
17/18	2,562	5,065,340
18/19	2,743	2,717,728
TOTAL	69,958	114,596,307

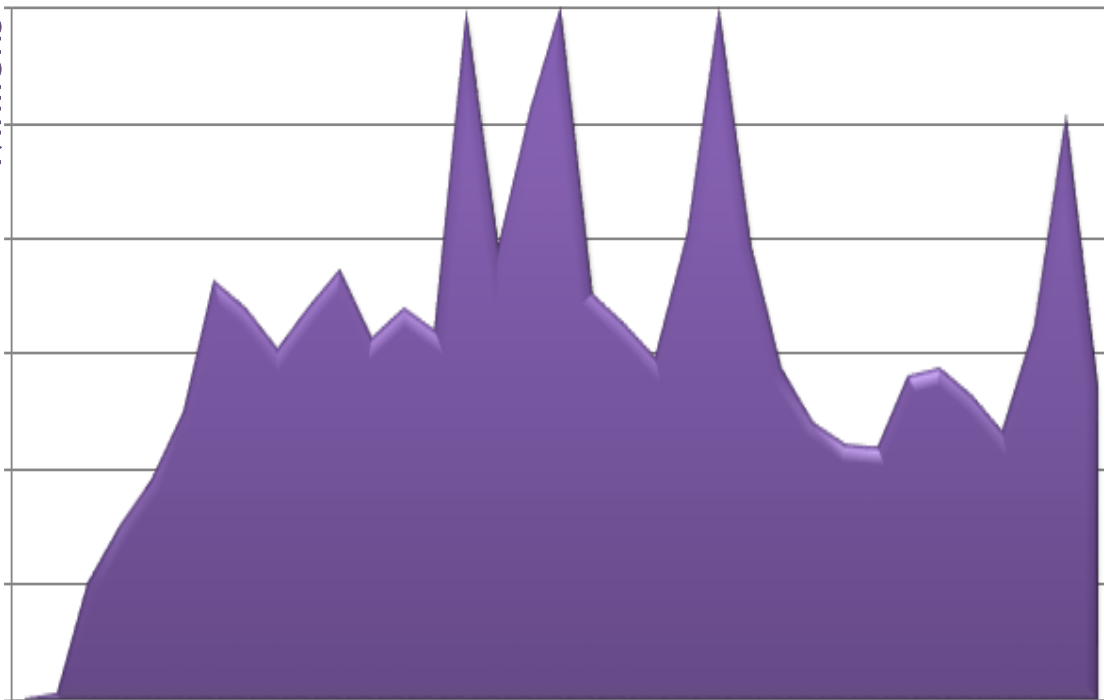
STATISTICAL DATA		
OCTOBER 1, 2018 TO SEPTEMBER 30, 2019		
Claims Received		
Regular	1065	
Homicide	480	
Sexual Assault	1198	
TOTAL		2743
Claims Approved		
Regular	284	
Homicide	366	
Sexual Assault	1036	
TOTAL		1686
Claims Not Approved		
Regular	318	
Homicide	114	
Sexual Assault	53	
TOTAL		485
Claims Processed (Does not include claims the Commission Held for Trial/Information)		
Regular	602	
Homicide	480	
Sexual Assault	1089	
TOTAL		2171
Emergency Awards Issued		135
Claims Pending at Fiscal Year-end		1382

APPROVED INITIAL CLAIMS BY PRIMARY OFFENSE

Sexual Assault Exam	1035	Burglary	5
Murder - Non-Family	208	Vehicular Assault	4
Assault - Non-Family	87	Leaving Scene of Accident	4
Domestic Violence	32	Shoot Occupd Vehicle-Dwelling	4
Murder - Family	24	Criminally Negligent Homicide	4
Capital Murder	20	Arson	2
Sexual Assault	20	Other	1
Attempted Murder - Non-Family	15	Child Sexual Abuse - Family	1
Manslaughter	12	Child Rape	1
Vehicular Homicide	7	Child Sexual Abuse - Nonfamily	1
Robbery	7	DUI/DWI	1
Assault - Family	6		

AWARD SUMMARY IN HISTORY OF PROGRAM

Millions

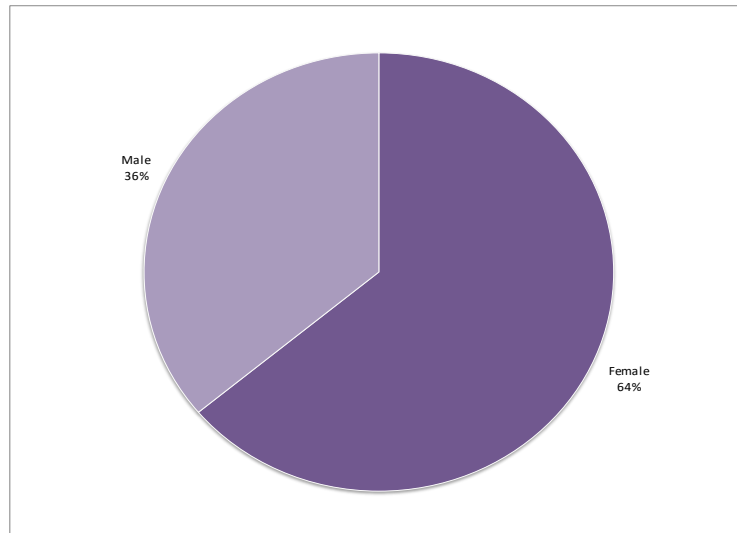
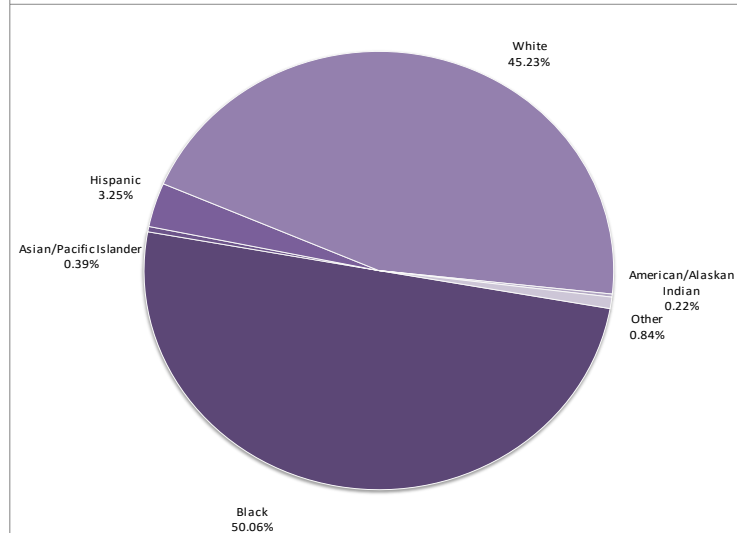
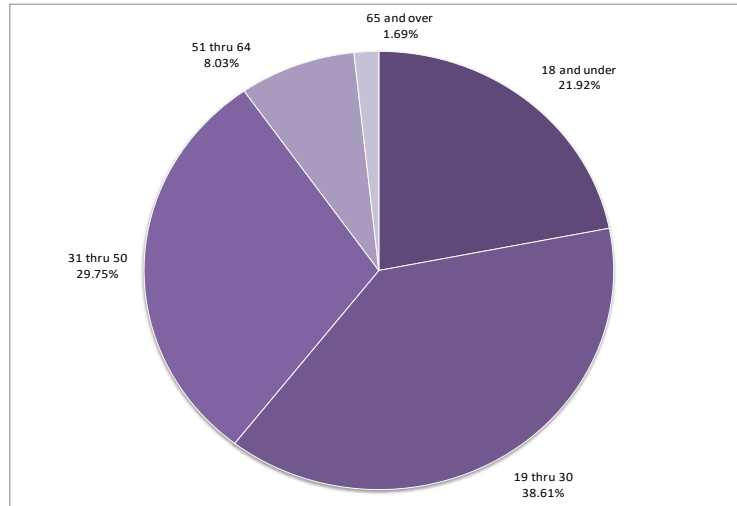


1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
0	0.1	1.0	1.5	1.9	2.5	3.6	3.3	3.0	3.4	3.7	3.1	3.3	3.2	5.9	3.9	5.1	6.0	3.5	3.2	2.9	4.0	6.0	3.9	2.8	2.4	2.2	2.1	2.8	2.8	2.6	2.3	3.2	5.0	2.7	

CLAIMS RECEIVED BY COUNTY								
COUNTY	INITIAL				SUPPLEMENTAL			
	HOMICIDE	REGULAR	SAK	TOTAL	HOMICIDE	REGULAR	SAK	TOTAL
Autauga	1	5	10	16	1	0	0	1
Baldwin	6	30	25	61	0	2	0	2
Barbour	3	6	0	9	0	1	0	1
Bessemer	17	37	0	54	5	0	0	5
Bibb	2	3	2	7	1	0	0	1
Blount	1	2	8	11	0	0	0	0
Bullock	2	1	2	5	0	0	0	0
Butler	2	0	1	3	0	0	0	0
Calhoun	10	21	3	34	0	2	0	2
Chambers	0	5	13	18	0	0	0	0
Cherokee	1	7	1	9	0	0	0	0
Chilton	2	3	12	17	0	0	0	0
Choctaw	0	2	0	2	1	0	0	1
Clarke	0	7	2	9	2	0	0	2
Clay	0	2	1	3	0	0	0	0
Cleburne	0	1	0	1	0	0	0	0
Coffee	2	12	2	16	3	1	0	4
Colbert	5	12	30	47	0	1	0	1
Conecuh	2	3	0	5	0	0	0	0
Coosa	0	1	2	3	0	0	0	0
Covington	5	4	6	15	0	0	0	0
Crenshaw	0	0	0	0	1	0	0	1
Cullman	5	9	48	62	0	3	0	3
Dale	2	7	5	14	0	0	0	0
Dallas	16	19	4	39	4	2	0	6
DeKalb	3	7	18	28	0	0	0	0
Elmore	8	9	19	36	1	1	0	2
Escambia	4	6	14	24	0	0	0	0
Etowah	2	10	5	17	1	3	0	4
Fayette	0	1	0	1	0	0	0	0
Franklin	3	2	10	15	0	0	0	0
Geneva	4	6	1	11	0	1	0	1
Greene	0	2	1	3	0	0	0	0
Hale	1	0	1	2	1	0	0	1
Henry	2	0	2	4	0	0	0	0
Houston	9	17	14	40	2	2	0	4
Jackson	0	2	8	10	0	0	0	0
Jefferson	80	260	250	590	22	16	0	38
Lamar	0	1	0	1	0	0	0	0
Lauderdale	2	15	48	65	4	1	0	5
Lawrence	0	2	5	7	0	2	0	2
Lee	8	22	53	83	4	2	0	6
Limestone	1	4	9	14	1	0	0	1
Lowndes	1	3	2	6	0	0	0	0
Macon	6	5	4	15	0	0	0	0
Madison	22	53	125	200	3	7	0	10
Marengo	1	7	0	8	0	0	0	0
Marion	0	0	3	3	0	0	0	0
Marshall	2	6	19	27	1	0	0	1
Mobile	35	76	138	249	7	6	0	13
Monroe	1	4	0	5	0	1	0	1
Montgomery	56	116	60	232	7	12	0	19
Morgan	2	6	34	42	0	0	0	0
Out-of-State	0	3	10	13	0	0	0	0
Perry	1	6	1	8	0	0	0	0
Pickens	1	1	2	4	0	2	0	2
Pike	3	6	1	10	0	0	0	0
Randolph	1	7	6	14	1	0	0	1
Russell	13	19	3	35	1	1	0	2
Shelby	3	13	15	31	1	3	0	4
St Clair	6	8	9	23	1	0	0	1
Sumter	2	8	0	10	0	1	0	1
Talladega	7	20	7	34	0	3	0	3
Tallapoosa	1	4	6	11	0	1	0	1
Tuscaloosa	8	24	88	120	5	5	0	10
Walker	3	10	19	32	0	1	0	1
Washington	2	5	1	8	0	0	0	0
Wilcox	8	3	2	13	0	0	0	0
Winston	2	4	8	14	1	0	0	1
TOTAL	398	982	1198	2578	82	83	0	165

DOLLARS APPROVED BY COUNTY			
COUNTY	APPROVED	VOID/REFUND	BALANCE
Autauga	\$23,399.91	\$0.00	\$23,399.91
Baldwin	\$42,668.82	(\$90.44)	\$42,578.38
Barbour	\$4,531.10	(\$36.00)	\$4,495.10
Bessemer	\$73,552.08	(\$3,698.73)	\$69,853.35
Bibb	\$14,965.56	\$0.00	\$14,965.56
Blount	\$4,178.43	\$0.00	\$4,178.43
Bullock	\$3,967.51	(\$141.26)	\$3,826.25
Butler	\$7,534.76	(\$74.75)	\$7,460.01
Calhoun	\$48,684.34	(\$6,219.97)	\$42,464.37
Chambers	\$11,720.67	(\$1,142.50)	\$10,578.17
Cherokee	\$2,000.00	\$0.00	\$2,000.00
Chilton	\$14,189.27	\$0.00	\$14,189.27
Choctaw	\$475.76	\$0.00	\$475.76
Clarke	\$4,334.44	\$0.00	\$4,334.44
Clay	\$300.00	\$0.00	\$300.00
Cleburne	\$520.00	\$0.00	\$520.00
Coffee	\$25,026.52	\$0.00	\$25,026.52
Colbert	\$33,977.53	\$0.00	\$33,977.53
Conecuh	\$12,865.32	\$0.00	\$12,865.32
Coosa	\$1,510.70	\$0.00	\$1,510.70
Covington	\$4,230.23	\$0.00	\$4,230.23
Crenshaw	\$0.00	\$0.00	\$0.00
Cullman	\$60,579.59	\$0.00	\$60,579.59
Dale	\$30,548.40	(\$15.00)	\$30,533.40
Dallas	\$80,583.65	(\$30.00)	\$80,553.65
DeKalb	\$22,991.01	\$0.00	\$22,991.01
Elmore	\$46,184.95	\$0.00	\$46,184.95
Escambia	\$18,250.29	\$0.00	\$18,250.29
Etowah	\$23,622.02	\$0.00	\$23,622.02
Fayette	\$17,497.45	\$0.00	\$17,497.45
Franklin	\$3,580.00	\$0.00	\$3,580.00
Geneva	\$28,039.50	\$0.00	\$28,039.50
Greene	\$2,630.71	\$0.00	\$2,630.71
Hale	\$4,496.50	(\$15.00)	\$4,481.50
Henry	\$3,163.72	\$0.00	\$3,163.72
Houston	\$68,125.09	(\$15.00)	\$68,110.09
Jackson	\$10,377.16	\$0.00	\$10,377.16
Jefferson	\$507,548.60	(\$18,915.95)	\$488,632.65
Lamar	\$0.00	\$0.00	\$0.00
Lauderdale	\$42,832.98	\$0.00	\$42,832.98
Lawrence	\$3,763.64	\$0.00	\$3,763.64
Lee	\$76,217.45	(\$1,690.00)	\$74,527.45
Limestone	\$20,440.80	\$0.00	\$20,440.80
Lowndes	\$1,657.05	\$0.00	\$1,657.05
Macon	\$16,351.03	\$0.00	\$16,351.03
Madison	\$204,531.74	\$0.00	\$204,531.74
Marengo	\$6,952.70	\$0.00	\$6,952.70
Marion	\$1,296.86	\$0.00	\$1,296.86
Marshall	\$15,559.16	\$0.00	\$15,559.16
Mobile	\$339,816.19	(\$14,322.70)	\$325,493.49
Monroe	\$9,469.29	(\$50.24)	\$9,419.05
Montgomery	\$356,107.53	(\$14,182.59)	\$341,924.94
Morgan	\$53,872.84	\$0.00	\$53,872.84
Out-of-State	\$0.00	\$0.00	\$0.00
Perry	\$3,741.11	\$0.00	\$3,741.11
Pickens	\$865.00	\$0.00	\$865.00
Pike	\$24,851.10	\$0.00	\$24,851.10
Randolph	\$5,670.00	(\$505.00)	\$5,165.00
Russell	\$93,237.82	(\$1,161.00)	\$92,076.82
Shelby	\$20,390.22	(\$15.00)	\$20,375.22
St Clair	\$22,848.16	\$0.00	\$22,848.16
Sumter	\$7,056.00	(\$7,056.00)	\$0.00
Talladega	\$10,755.04	(\$248.10)	\$10,506.94
Tallapoosa	\$26,674.56	(\$2.14)	\$26,672.42
Tuscaloosa	\$92,890.55	\$0.00	\$92,890.55
Walker	\$50,838.03	(\$4,059.43)	\$46,778.60
Washington	\$549.50	\$0.00	\$549.50
Wilcox	\$5,521.12	\$0.00	\$5,521.12
Winston	\$9,484.52	\$0.00	\$9,484.52
TOTAL	\$2,787,093.58	(\$73,686.80)	\$2,713,406.78

APPROVED INITIAL CLAIMS BY AGE, ETHNICITY, & GENDER



NON-APPROVED INITIAL CLAIMS BY REASON*	
Lack of Cooperation-ACVCC	187
Non-Criminally Injurious Conduct	117
Lack of Cooperation-LE/FTP	115
Contribution	114
Illegal Activity	44
Other	44
Felony Exclusion/Victim	43
Not Reported within 72 Hours	38
Past 1-Year Deadline	36
Collateral Source	26
Not Legal Claimant	14
False Information	9
Application Withdrawn	8
Benefit Alleged Offender	4
CIC Conviction/Victim	2
Felony Exclusion/Claimant	1

FORENSIC SEXUAL ASSAULT EXAM KITS PAID		
FY	RECEIVED	DOLLARS PAID
95/96	36	15,724
96/97	167	59,665
97/98	221	82,868
98/99	271	99,147
99/00	328	140,362
00/01	385	140,215
01/02	491	202,079
02/03	647	313,697
03/04	777	356,952
04/05	887	378,391
05/06	777	310,484
06/07	972	405,444
07/08	730	297,008
08/09	870	389,856
09/10	886	385,212
10/11	834	358,336
11/12	860	362,092
12/13	805	395,798
13/14	808	421,300
14/15	796	528,639
15/16	1,024	414,170
16/17	1,090	630,381
17/18	1,015	603,016
TOTAL	15,677	7,290,837

Section 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.)

Section 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.)

Section 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, or 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. A victim.
- b. A dependent of a deceased victim, if such victim died as a result of criminally injurious conduct.
- c. 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 seven thousand dollars (\$7,000) 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. Work loss also includes loss of income of an offender charged with domestic violence under Sections 13A-6-130, 13A-6-131, and 13A-6-132 when the victim was residing with the offender at the time of commission of the offense and the offender's income was a significant source of direct support for the victim.

(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:

- a. The offender.
- b. 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.
- c. Any temporary nonoccupational disability insurance.
- d. Workers' compensation.
- e. Wage continuation programs of any employer.
- f. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct.
- g. 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, p. 945, §1; Act 2014-335, p. 1232, §1.)

Section 15-23-4

Alabama Crime Victims Compensation Commission - Created; composition; meetings; rules and regulations; 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 appointments shall be for four-year terms. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(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 two hundred fifty dollars (\$250) 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, p. 945, §1; Act 2009-749, p. 2268, §1.)

Section 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 and promotional items 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, p. 994, §1; Act 2014-335, p. 1232, §1.)

Section 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.)

Section 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.)

Section 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.)

Section 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.)

Section 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.)

Section 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.)

Section 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 to 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, p. 945, §1.)

Section 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.)

Section 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 fee, 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.)

Section 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 services loss may not exceed six hundred dollars (\$600) 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 twenty thousand dollars (\$20,000) 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 that the award in a lump sum will promote the interests of the claimant.

(d) An award payable in installments for future economic loss may be made only for a period as to which the commission can reasonably determine future economic loss. An award payable in installments for future economic loss may be modified by the commission upon its 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 an 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, p. 945, §1; Act 2014-335, p. 1232, §1.)

Section 15-23-16

Alabama Crime Victims 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, p. 994, §3.)

Section 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 was convicted or adjudicated and not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000), 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 assessment 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, p. 510, §5; Acts 1990, No. 90-470, p. 677, §6; Acts 1995, No. 95-494, p. 994, §4.)

Section 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.)

Section 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.)

Section 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.)

Section 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.)

Section 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.)

Section 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.)

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION
ADMINISTRATIVE CODE

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CHAPTER 262-X-1 DEFINITIONS**CHAPTER 262-X-2 THE COMMISSION AND ITS MEMBERS****262-X-1-.01 General Information and Definitions.**

(1) Purpose: It is the intent of the Legislature and the purpose of the Alabama Crime Victims' Compensation Commission (ACVCC) to provide financial and other assistance for victims of violent crime for the allowable expenses that are incurred as a direct result of victimization. Eligibility requirements are listed in the following sections:

(2) Program Description: ACVCC provides financial assistance for allowable expenses to victims of violent crime who have suffered personal injury, psychological injury or death. Compensation may be reduced or denied based on contribution to one's own victimization as defined in the following sections. The program provides compensation for a number of services, which are listed in the following sections. ACVCC does not award compensation for expenses which are paid by a collateral source. The program also has a statutory entitlement to subrogation when a claimant has received recovery from a collateral source after having been paid by ACVCC.

(a) The maximum amount of compensation that may be awarded in any one claim is \$15,000. Other limitations for specific categories are addressed in the following chapters. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum amount of compensation that may be awarded in any one claim is (\$20,000).

(3) The public may obtain information about the Commission by visiting its website at www.acvcc.alabama.gov or calling the Commission at 334.290.4420. Submissions to the agency should be mailed to PO Box 231267; Montgomery, AL 36123-1267 or emailed to info@acvcc.alabama.gov. Requests for public records should be directed to the Commission's Access Officer. Public records will be provided at the Commission's cost.

(4) The Commission will maintain a Departmental Forms Index. The Departmental Forms Index (Appendix A) contains a listing of all forms a claimant/victim may be required to complete and submit in order to receive compensation benefits.

- (a) The Index will be updated when forms are added or removed.
- (b) A copy of forms may be obtained by following the guidelines in 262-X-1-.01(3).
- (c) A list of internal forms excluded from the Departmental Forms Index may be obtained by following the guidelines in 262-X-1-.01(3).

(5) Definitions: As used in these rules the following words shall include, but are not limited to, the following meanings unless the context clearly requires a different meaning:

(a) Commission. The Alabama Crime Victims' Compensation Commission as described in Chapter 262-X-2 of these rules.

(b) Criminally Injurious Conduct: Criminally injurious conduct includes any of the following acts:

1. 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; or
2. 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, such a citizen at the time such act was committed had a permanent place of residence in the geographical boundaries of this state, and in addition thereto:
 - (a) Had a permanent place of employment located within the geographical boundaries of this state; or
 - (b) 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; or
 - (c) Was retired and receiving Social Security or other retirement income; or
 - (d) Was 60 years of age or older; or
 - (e) Was temporarily in another state of the United States of America for the purpose of receiving medical treatment; or
 - (f) 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 expressed condition of employment or employee benefits; or
 - (g) 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 expressed condition of full-time employment or employee benefits; or
 - (h) Was a full-time student at an academic institution, college or university located in another state of the United States of America; or
 - (i) 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 such act

was committed a citizen of the State of Alabama or an act committed outside the geographical boundaries of this state upon a person who at the time such act was committed had departed the geographical boundaries of this state for the purpose of becoming a citizen of another state or for the purpose of establishing a permanent place of residence in another state.

(c) Victim. A person who suffered serious personal injury, psychological injury as a result of a direct face-to-face threat of physical injury, or actual physical injury, or death as a result of criminally injurious conduct.

(d) 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 when the death occurred as the result of criminally injurious conduct.

(e) Claimant. Any of the following persons applying for compensation under this chapter:

1. A victim;
2. A dependent of a deceased victim, if such victim died as result of criminally injurious conduct; or
3. 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.

(f) Dependent spouse. The spouse of a deceased victim, unless it is shown that he/she was voluntarily living apart from the deceased victim for the twelve (12) months immediately preceding the criminally injurious conduct that caused the victim's death and it is shown that the deceased victim was not in any way contributing support to the spouse.

(g) Dependent child. An unmarried child under the age of nineteen (19) years for whom the deceased victim was a significant source of direct support to the minor child in the twelve (12) months immediately preceding the criminally injurious conduct that caused the victim's death. A dependent child is also one over the age of nineteen (19) who is physically or mentally incapacitated from earning and it is shown that the deceased victim was a significant source of direct support to the adult child in the twelve (12) months immediately preceding the criminally injurious conduct that caused the victim's death. A dependent child is also one over the age of nineteen (19), but under the age of twenty-six (26), who is enrolled in college, technical school, or vocational school and it is shown that the deceased victim was a significant source of direct support to the adult child in the twelve (12) months immediately preceding the criminally injurious conduct that caused the victim's death.

(h) Allowance Expense. Charges incurred for needed products, services and accommodations, including but not limited to, medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care. It also includes a total amount not to exceed \$5,000.00 for expenses related to a funeral, cremation or burial. For incidents of criminally injurious conduct occurring on or after October 1, 2014, no more than seven thousand dollars (\$7,000.00) may be paid for expenses related to funeral, cremation, or burial.

(i) Work Loss. Loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake. Work loss also includes loss of income of an offender charged with domestic violence under Sections 13A-6-130, 13A-6-131, and 13A-6-132 when the victim was residing with the offender at the time of commission of the offense and the offender's income was a significant source of direct support for the victim.

(j) 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.

(k) Economic Loss of a Dependent. A loss after the death 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 of the victim.

(l) 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 that 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.

(m) 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 the dependent, but shall not include noneconomic loss, or noneconomic detriment.

(n) Noneconomic Loss or Detriment. Pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(o) Collateral Source. The 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 or more of the following:

1. The offender;
2. 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 subdivisions or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to the benefits under this chapter;
3. Any temporary nonoccupational disability insurance;
4. Workman's compensation;

5. Wage continuation programs of any employer;
6. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; or
7. A contract providing prepaid hospital and other health care services or benefits for disability.

(p) Immediate Family. Immediate family for purposes of determining compensation eligibility shall mean spouse, child, parent/legal guardian, siblings, aunts/uncles, grandparents, and grandchildren. Except when unusually strong personal ties exist, due to the victim or family member having been reared by a person of some relationship other than which is provided for in this definition for a period of twenty-four consecutive months or longer, this relationship may be considered as immediate family at the discretion of the Commission.

262-X-2-.01 Composition.

(1) 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 (4) 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 (2) years and one member shall be appointed for three (3) years and one member shall be appointed for four (4) years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointments shall be for four-year terms. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(2) 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.

(3) 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.

262-X-2-.02 Officers. Each year the Commission shall elect a chairman from its membership. Chairperson elections shall be held in the month of June. 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.

262-X-2-.03 Meetings.

The Commission shall have its principle place of business in the county wherein the state capital is located. The Commission shall hold at its principle 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. Any two (2) members of the Commission shall constitute a quorum for the purposes of transacting

the business of the Commission and two (2) votes in favor shall be necessary for a decision by the Commission at any meeting of the Commission. The Commission shall meet on the second Thursday of each month at 10:00 a.m. at the Commission office. Meetings shall be conducted using Roberts Rules of Order. All meetings of the Commission shall be publicized in accordance with the Alabama Open Meetings Act. Any change to the regular Commission meeting shall be publicized in accordance with the Alabama Open Meetings Act.

262-X-2-.04 Rulemaking.

(a) From time to time the Commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this chapter. All rules shall be passed by a majority vote of the three member Commission. A copy of the current rules shall be published in each year's annual report and shall be made available to the public upon request.

(b) Petitions for Adoption, Repeal, or Change of Rule

1. Any person may petition the Commission for the adoption of a new rule or for the repeal or change of any existing rule.
2. Action by the Commission on any such petition shall be as provided in ALA. CODE § 41-22-8.
3. In order to be considered, a petition for a rule change must be in writing and contain the following minimum information:

- (a) A title reflecting that the petition seeks the adoption of a new rule, or the modification or repeal of an existing rule or rules.
- (b) The petitioner's name, address, and telephone number.
- (c) A statement identifying all rules or statutes that may be involved should the relief sought in the petition be granted in whole or in part.
- (d) A clear and concise statement or narrative as to why the new rule, or modification or repeal of an existing rule is needed, specifying:
 - (i) the persons or class of persons it would affect and how it would affect them;
 - (ii) the benefits and disadvantages of the proposed rule, modification or repeal;
 - (iii) the estimated cost or cost savings to the Commission;
 - (iv) any other reasons why the rule, modification, or repeal should be accepted by the Commission;
 - (v) the legal authority for the proposed rule, modification or change;
 - (vi) the names and complete addresses of any persons, firms, organizations, and the identity of any class of persons known to the petitioner who would be or could be adversely affected by the proposed rule, modification, or repeal.

- (e) The reason for submitting the petition, if the reason is not apparent from the face of the petition.
- (f) Full disclosure of the petitioner's interest.
- (g) A statement as to whether the issues presented by the petition are presently under consideration by the Commission or by any judicial or quasi-judicial body in any pending proceedings, and if so, before which body they are pending.
- (h) A certification by the petitioner that the information contained in the petition is true and correct to the best of petitioner's knowledge, and that the petition

has not been filed for any improper purposes, or for delay or harassment. The certification must be signed by the petitioner and the petitioner's signature must be notarized.

(c) Declaratory Rulings.

1. Any person substantially affected by a rule may petition the Commission for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Commission.

2. The petition shall be in writing and shall include:

- (a) The name and address of the petitioner;
- (b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule;
- (c) The rule, statute, or order and the exact question(s) to which an answer is requested;
- (d) The reason(s) for submitting the petition;
- (e) Full disclosure of the petitioner's interest(s);
- (f) Statement as to whether the petitioner's case is presently under consideration by the Commission or in any pending proceeding;
- (g) A certification by the petitioner that the information contained in the petition is true and correct to the best of petitioner's knowledge, and that the petition has not been filed for any improper purposes, or for delay or harassment. The certification must be signed by the petitioner and the petitioner's signature must be notarized.

3. Failure of the Commission to issue a declaratory ruling within forty-five days of date of receipt of request shall constitute a denial of the request.

4. Circumstances in which rulings shall not be issued include, but are not necessarily limited to:

- (a) Lack of jurisdiction;
- (b) Lack of clarity of the issue presented;
- (c) No clear answer determinable;
- (d) On a petition which seeks the immediate payment or non-payment of benefits under the Alabama Crime Victims' Compensation Act;
- (e) If petitioned for by a person not a party to the contested case if the matter is involved in a contested case;
- (f) On matters in litigation.

262-X-2-.05 Records.

The chairman of the Commission shall keep a true record of all 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 written minutes of the proceedings shall be maintained by the agency. The Commission shall meet in Executive Session in compliance with the Alabama Open Meetings Act. 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. Provided, however, the Commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to the provisions of this chapter or the facts or circumstances of the criminally injurious conduct perpetrated against them.

262-X-2-.06 Bond.

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, a 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 monies, funds, or properties coming into their possession in the capacity of their employment.

262-X-2-.07 Duties of the Attorney General.

The attorney general or the district attorney of the county wherein the state capital 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 legal advisor to the Commission.

262-X-2-.08 Compensation of Commission Members.

All Commission members shall be paid and reimbursed for expenses as established by the Code of Alabama.

**CHAPTER 262-X-3
THE COMMISSION - POWERS AND DUTIES**

262-X-3-.01 The Commission-General 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 chapter, the Commission shall have the power to:

- (a) Regulate its own procedures except as otherwise provided in this chapter;
- (b) Define any term not defined in this chapter;
- (c) Prescribe forms necessary to carry out the purposes of this chapter;
- (d) 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 the provisions of this chapter; provided, however, such reports and the information contained therein, when received by the Commission, shall be confidential and under no circumstances shall the Commission disclose the same except to a grand jury;

- (e) Take judicial notice of general, technical and scientific facts within their specialized knowledge;
- (f) Publicize the availability of compensation and information regarding the filing of claims therefore;
- (g) Collect all monies provided by this chapter to be collected by the Commission;
- (h) Provide for and maintain all necessary administrative facilities and personnel;
- (i) Provide for payment of all administrative salaries, fees, and expenses;
- (j) Cause its monies to be invested and its investments sold or exchanged and the proceeds and income collected;
- (k) Determine who is a victim or dependent;
- (l) Pass upon all applications for compensation or other benefits provided for in this chapter;
- (m) Authorize executive director to pass upon all supplemental applications for compensation in an amount not to exceed \$1000 and to pass upon all original applications for claims in an amount not to exceed \$2000.
- (n) Pay all compensation or other benefits that may be determined to be due under this chapter and under the rules and regulations of the Commission;
- (o) Employ such agents, attorneys, actuaries and other specialized personnel that shall be necessary or desirable to enable the Commission to carry on its functions in a proper and sound manner;
- (p) Receive by gift, grant, devise or bequest any monies or property of any nature or description;
- (q) 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;
- (r) 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;
- (s) Identify laws, rules or regulations proposed or adopted by any agencies 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;

(t) 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 the provisions of this chapter. All agencies and institutions of this state or the political subdivisions thereof shall, upon written request by the Commission, furnish to the Commission such statistical information or data as the Commission shall deem necessary to fulfill its duties and responsibilities;

(u) 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 such 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; provided, however, such loans or grants shall only be awarded when sufficient funds are available in excess of reasonably anticipated or projected claims for compensation;

(v) Carry out any powers expressly granted elsewhere in this chapter to the Commission; and

(w) All other powers necessary for the proper administration of the provisions of this chapter.

262-X-3-.02 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. The current agency administrative code shall be published in each year's annual report.

262-X-3-.03 Audit of Financial Affairs of Commission Authorized.

The Director of the Department of Examiners of Public Accounts shall at least once every other 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.

262-X-3-.04 Compensation For Economic Loss Resulting From Criminal Conduct-Authorized; Procedure.

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

(2) 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.

(3) 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.

262-X-3-.05 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 chapter; provided, however, no applicant shall be denied compensation solely because such applicant is entitled to income from a collateral source. All claimants filing a civil suit for damages resulting from the victimization for which they filed for compensation must promptly report the filing of such suit to the Commission.

262-X-3-.06 Procedure In Contested Cases.

Authority: Code of Alabama § 15-23-10(a)(b)(c) (1995), which provides:

(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 a 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.

- (1) In the event that a crime victims' compensation claim is approved in a modified form, not approved, or approved - but reduced, the Commission shall notify the claimant by certified mail, return receipt requested, within ten (10) calendar days of the Commission's action setting forth the basis of the Commission's decision.
- (2) The claimant shall have the right to appeal the Commission's final decision. The claimant may appeal the final decision by notifying the Commission's Executive Director in writing of the intent to appeal within thirty (30) calendar days of receiving the letter setting forth the Commission's decision. The appeal request must be received by the Commission within thirty (30) calendar days. Regular mail is accepted. However, certified mail is strongly recommended. The claimant must sign the request for a contested case hearing (administrative appeal hearing) in order for it to be processed.
- (3) All contested case hearings shall be held in accordance with the Alabama Administrative Procedures Act.
- (4) All claimants shall receive a minimum of thirty (30) days notice of the contested case hearing.
- (5) Pursuant to §41-22-12(a) *Code of Alabama* (1975), the Commission shall deliver to the claimant the notice of the contested case hearing by first class mail, postage prepaid, to be effective upon the deposit of the notice in the mail. The notice of the administrative appeal hearing shall also be delivered to the claimant by certified mail, return receipt requested.

- (6) In a contested case hearing, all parties shall be afforded an opportunity to appear and be heard.
- (7) The claimant may request that subpoenas be issued for the contested case hearing.
- (8) The Commission shall render its decision relative to the contested case hearing within ten (10) calendar days of the formal hearing and the claimant will be notified by certified mail, return receipt requested.
- (9) An impartial governmental hearing officer from a list certified by the State of Alabama Personnel Department shall be provided by the Commission to preside over all contested case hearings and perform such parliamentary functions as he/she deems necessary. The Commission shall render the final decision in the claim. A certified court reporter shall be used to transcribe each appeal hearing. A record of the proceedings shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Commission.
- (10) The claimant's contested case hearing will be dismissed if he/she fails to appear without good cause.

262-X-4-.01 Filing of Claims.

- (1) A claim may be filed by the victim, a dependent of a deceased victim, or a person legally authorized to act on behalf of a deceased victim. When the victim is a minor, a parent or legal guardian may file on his/her behalf. A guardian, conservator, or other person legally authorized to act on behalf of an incapacitated victim may file a claim on his/her behalf.
- (2) A claim must be filed with the Commission within one (1) year after the death or injury upon which the claim is based or the Commission finds that there was good cause for the failure to file within that time.
- (3) The date on which each claim is received by the Commission shall be documented. An ACVCC application that has been signed by either facsimile signature or electronic signature must be submitted for a compensation request to be processed. If the Commission is not satisfied that the facsimile signature or the electronic signature is authentic, it may request an original, notarized signature from the claimant.
- (4) The Commission will make written request to the claimant for needed information/documentation. The claimant shall have forty-five (45) days to submit the requested information/documentation to the Commission. Failure to provide information/documentation within forty-five (45) days may, at the Commission's discretion, result in the non-approval of the claim.
- (5) Separate claims may be filed for individual family members who are victims.

262-X-4-.02 Eligibility Criteria Generally.

- (1) The incident must have occurred on or after June 1, 1984.
- (2) The incident must have been reported within 72 hours after its occurrence or the Commission must find there was good cause for the failure to report within that time. Good cause includes, but is not limited to the minority, infirmity or incapacity of the claimant.
- (3) The application must be filed within one (1) year of the incident unless the Commission finds there was good cause for the failure to report within that time.

- (4) The victim must have suffered bodily injury, psychological injury as the result of a direct, face to face threat of physical injury, or actual physical injury or death as a result of the criminal actions of another.
- (5) The claimant or victim must cooperate fully with law enforcement and the Commission staff. If law enforcement officials or Commission staff are not satisfied with the victim's or claimant's cooperation, the Commission may "not approve" the claim.
- (6) Requested expenses shall not be eligible for compensation if they have been paid by a collateral source.
- (7) The victim or claimant must not be the offender or an accomplice of the offender.
- (8) No portion of the compensation shall benefit the offender or accomplice.
- (9) If the applicant, after making application for compensation to the Commission, then perpetrates any criminally injurious conduct or is convicted of a felony, the applicant shall be ineligible for compensation.
- (10) The claimant must submit an application that has been signed by either facsimile signature or electronic signature. If the Commission is not satisfied that the facsimile signature or the electronic signature is authentic, it may request an original, notarized signature from the claimant.
- (11) A person must be a U.S. citizen, a person who is legally present in the U.S., or an alien eligible for public benefits in order to receive compensation benefits.
- (12) An alien who is defined as an eligible alien pursuant to 8 U.S.C. §1621(a) or 8 U.S.C. § 1641, or certified as a victim of human trafficking pursuant to 22 U.S.C. §7105 may be eligible for compensation benefits.
- (13) Proof of U.S. citizenship, legal presence in the U.S., or proof of being an alien eligible for public benefits must be provided for every claimant/victim.
 - a. A copy of one of the following documents may be accepted as evidence of U.S. citizenship:
 - i. A birth certificate issued in or by a city, county, state, or other governmental entity within the United States or its outlying possessions.
 - ii. A U.S. Certificate of Birth Abroad (FS-545, DS-135) or a Report of Birth Abroad of a U.S. Citizen (FS-240).
 - iii. A birth certificate or passport issued from:
 1. Puerto Rico, on or after January 13, 1941;
 2. Guam, on or after April 10, 1898;
 3. U.S. Virgin Islands, on or after February 25, 1927;
 4. Northern Mariana Islands, after November 4, 1986;
 5. American Samoa;
 6. Swains Island; or
 7. District of Columbia.
 - iv. An unexpired U.S. passport.
 - v. Certificate of Naturalization (N-550, N-57, N-578).
 - vi. Certificate of Citizenship (N-560, N-561, N-645).
 - vii. U.S. Citizen Identification Card (I-179, I-197).
 - viii. Free Alabama Photo Voter Identification Card.

If the Commission is not satisfied with the authenticity of a copy of one of the documents in 262-X-4-.02 (13) a, it may request that the original be submitted for inspection.

- b. A person may be presumed to not be an alien who is unlawfully present in the U.S. if the person provides a copy of one of the following documents to the Commission for inspection:
- i. A valid, unexpired Alabama driver's license.
 - ii. A valid, unexpired Alabama nondriver identification card.
 - iii. A valid tribal enrollment card or other form of tribal identification bearing a photograph or other biometric identifier.
 - iv. Any valid United States federal or state government issued identification document bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance.
 - v. A foreign passport issued by a visa waiver country with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United States Department of Homeland Security indicating the bearer's admission to the United States.

If the Commission is not satisfied with the authenticity of a copy of one of the documents in 262-X-4-.02 (13) b, it may request that the original be submitted for inspection.

- c. Submission of a copy of one of the following documents and subsequent positive verification in the Systematic Alien Verification for Entitlements (SAVE) system is proof of legal presence:
- i. I-327 (Reentry Permit)
 - ii. I-551 (Permanent Resident Card)
 - iii. I-571 (Refugee Travel Document)
 - iv. I-766 (Employment Authorization Card)
 - v. Certificate of Citizenship
 - vi. Naturalization Certificate
 - vii. Machine Readable Immigrant Visa (with Temporary I-551 Language)
 - viii. Temporary I-551 Stamp (on Passport or I-94)
 - ix. I-94 (Arrival/Departure Record)
 - x. I-94 (Arrival/Departure Record) in Unexpired Foreign Passport
 - xi. Unexpired Foreign Passport
 - xii. I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status)
 - xiii. DS2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status)
 - xiv. Documents not included in this list will be examined on a case-by-case basis.
- d. Failure to provide this documentation within the requested time shall result in the non-approval of the compensation claim.
- e. This rule shall be effective upon the filing date and apply to claims pending and/or claims received on or after the filing date.

262-X-4-.03 Contribution To Offense.

Authority:

Code of Alabama § 15-23-12(b) (1995), which provides:

Compensation otherwise payable to a claimant may be diminished or denied to the extent that the economic loss is recouped from collateral sources; or to 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.

- (a) Compensation may be reduced or denied based on the victim's degree of contribution to the offense. The reduction or denial will be based on the extent of the degree of responsibility for the cause of injury or death attributable to the victim/claimant's actions and/or involvement in the events that led to the crime. Compensation may be reduced in whole or in part if contributory conduct is determined.
- (b) Eligibility for compensation can be affected by a victim/claimant's involvement in the events that led to the crime. The victim/claimant's actions do not have to be illegal to be deemed contributory conduct. Such actions must relate significantly to the occurrence that caused the victimization and be such that a reasonable or prudent person would know that the actions could lead to their victimization.
- (c) Contributory conduct is a voluntary action by the victim, which directly or indirectly, produced the victim's injury at the time of the victimization which gives rise to the compensation claim. This action may include, but is not limited to, provocation, drug use, alcohol intoxication, consent, or incitement by the victim.
- (d) Contributory conduct is a factor when the victim knowingly participated in conduct that:
 - (1) Caused, resulted in, or reasonably could have led to the specific crime which caused the victimization; or
 - (2) Was itself clearly wrongful or illegal, thereby placing him/herself in a position to be victimized; or
 - (3) Clearly put himself/herself into a situation where the crime was reasonably expected and/or a prudent person would have avoided.
- (e) Contributory conduct to the offense may be determined by the victim's actions or nature of the victim's involvement in the events leading up to victimization. The following factors may be considered in the determination of contributory conduct:
 - (1) Alcohol intoxication that resulted in the use of poor judgment by the victim;
 - (2) Drug use that resulted in the use of poor judgment by the victim;
 - (3) If the offender verbally insulted the victim and the victim failed to retreat, a contribution factor may be assessed;
 - (4) If it appears the victim was injured as a result of poor judgment or as a result of his/her conduct being less than that of a prudent person in the same situation, a contribution factor may be assessed;
 - (5) If it appears that the victim first physically assaulted the offender, the victim's claim for compensation may be denied.
- (f) The Commission may consider all information relevant to the circumstances, including, but not

limited to:

- (1) Level of responsibility of the victim's conduct;
- (2) Foreseeability of the consequences of such conduct;
- (3) Ability to avoid the situation (Victim's failure to retreat or withdraw from situation where an option to do so existed.)
- (4) Whether there is a direct causal relationship between the victim's actions and his/her victimization.
- (5) Whether the criminally injurious conduct made the basis of the compensation claim occurred at a place known for illegal activity (shot house, house of gambling, house of prostitution or drug house) or arose out of acts involving violation(s) of federal, state, or municipal laws. A contribution factor shall not be accessed for persons who were in such areas for a legitimate purpose and not involved in any type of illegal activity.
- (6) Contribution to the offense will be determined by the actions of the victim at the time of or immediately preceding the crime.

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

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

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

(3) The Commission may provide for the payment to a claimant in a lump sum or installments. Outstanding eligible expenses will be paid directly to the service provider. Compensation payable to service providers for medical treatment may be compensated at a reduced rate. Outstanding charges for medical treatment, excluding psychiatric care, counseling, and dental treatment, may be compensated at a reduced rate of thirty percent (30%) of eligible charges up to a maximum amount of six thousand dollars (\$6,000). When the claimant has already paid out-of-pocket for medical treatment and services, the claimant may be fully reimbursed for all eligible expenses.

(4) Future Economic Loss.

(a) The maximum award for future economic loss is \$5,000 per claim. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum award for future economic loss is \$20,000 per claim. Future economic loss may be awarded if the victim was employed at the time of his/her victimization and the employment is verifiable.

(b) If the deceased victim leaves a dependent spouse and no dependent children, the total amount of the future economic loss may be paid to the dependent spouse.

(c) If the deceased victim leaves a dependent spouse and a dependent child or dependent children and the dependent spouse is the parent of all the victim's dependent children, then the total amount of the future economic loss may be paid to the dependent spouse for the benefit of himself/herself and the dependent child or dependent children.

(d) If the deceased victim does not leave a dependent spouse, but leaves dependent children, funeral/burial expenses may be paid prior to the payment of future economic loss for a dependent child or dependent children. After the payment of funeral/burial expenses, twenty-five percent (25%)

of the remaining compensation benefits may be used for the compensation of the claimant's eligible expenses. The remaining compensation benefits will be apportioned equally among the dependent children for whom a request for future economic loss is made within the one-year filing deadline. Dependent children who request future economic loss after the one-year filing deadline may not receive compensation benefits. If there are compensation funds remaining after the one-year filing deadline, they may be equally apportioned and distributed to the deceased victim's dependent children who made a request for future economic loss prior to the expiration of the one-year filing deadline.

(e) If the deceased victim leaves a dependent spouse and a dependent child or dependent children for whom the parent or legal guardian is someone other than the dependent spouse, funeral/burial expenses may be paid prior to the payment of future economic loss for a dependent child or dependent children. After the payment of funeral/burial expenses, fifty percent (50%) of the remaining compensation benefits may be used for the compensation of the dependent spouse's eligible expenses. The remaining compensation benefits will be apportioned equally among the dependent children for whom a request for future economic loss is made within the one-year filing deadline. Dependent children who request future economic loss after the one-year filing deadline may not receive compensation benefits.

(f) Legal proof that the dependent spouse was married to the deceased victim at the time of the victim's death will be requested. Legal proof that a dependent child was the legal child of the deceased victim will be requested. For example: marriage certificate, birth certificate, or court order.

- 1) A claimant that asserts a common-law marriage with a deceased crime victim must provide proof of the marriage by submitting one of the following:
 - a) an official Internal Revenue Service tax transcript indicating the claimant and deceased victim filed as married; or
 - b) affidavits from three blood relatives within the second degree of consanguinity of the deceased crime victim swearing that the claimant and the deceased crime victim presented themselves as married to each other. If the deceased crime victim does not have three blood relatives within the second degree of consanguinity, the claimant may submit an affidavit or affidavits from blood relatives within the third degree of consanguinity. If the deceased crime victim does not have three blood relatives within the third degree of consanguinity, the claimant may submit an affidavit or affidavits from blood relatives within the fourth degree of consanguinity. Birth certificates must be submitted to prove the relationship of the affiant to the deceased crime victim.
 - i) First-degree relatives include a crime victim's parents and children.
 - ii) Second-degree relatives include a crime victim's siblings and half-siblings.
 - iii) Third-degree relatives include a crime victim's nieces, nephews, aunts, and uncles.
 - iv) Fourth-degree relatives include a crime victim's first cousins, great aunts, great uncles, grandnieces and grandnephews.

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

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

(i) When the Commission determines that compensation for future economic loss will be paid in installments, payments may be made in quarterly installments of \$5,000 over a period of one year or until the total compensation award for future economic loss is paid to the recipient(s). The one-year period for the purpose of installment payments will begin the day the compensation award is approved.

An award payable in installments for future economic loss may be modified by the Commission upon its finding that a material and substantial change of circumstances has occurred.

- (5) No more than five thousand dollars (\$5,000.00) may be paid for expenses related to funeral, cremation, or burial. For incidents of criminally injurious conduct occurring on or after October 1, 2014, no more than seven thousand dollars (\$7,000.00) may be paid for expenses related to funeral, cremation, or burial.
- (6) Approved claims will be paid in the order of their approval by the Commission as funds become available.
- (7) Payments may be made in lump sums or in installments.
- (8) Lost wages shall be verified by obtaining written documentation from the employer or by submission of a W2 tax document. A tax transcript from the IRS is required if the person seeking reimbursement of his/her lost wages is self-employed or the employer indicated that taxes are not deducted from the person's wages. Proof must be provided that the person seeking reimbursement of his/her lost wages paid federal and state income taxes for the period of time applicable to the requested lost wages.
- (9) The claimant may, with the Commission's approval, elect to be paid for lost wages, future economic losses, replacement services loss, etc., before the service providers are paid.
- (10) Annual leave, sick leave, personal leave or holidays shall not be considered a collateral source and may be reimbursed by the Commission.
- (11) Lost Wages.
- (a) The victim's work loss caused by the crime may be considered for reimbursement.
 - (b) The claimant or immediate family member may apply for his/her lost wages if he/she took time off from work to care for the victim if the victim was a minor, or a medical professional provides written confirmation that the care was recommended.
 - (c) If the victim died as a result of the crime, the victim's dependent spouse and dependent children may apply for future economic loss.
 - (d) Anticipated work may be considered for compensation when accompanied by documentation certifying a definite start date.
 - (e) The victim's, claimant's, and immediate family members' lost wages may be awarded for work loss due to receiving medical treatment as a result of the crime; mental health treatment as a result of the crime; attendance of grand jury proceedings for three days if not subpoenaed; attendance of grand jury proceedings for as many days as required by subpoena, attendance of the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding; and the offender's parole hearing.
 - (f) Proper documentation is required for consideration of all lost wages requests, including, when applicable: confirmation of court attendance; a parole notification letter; employer's confirmation of work loss; a self-employment affidavit; or a written excuse from a licensed medical professional or licensed mental health provider.
- (12) Lost Wages Payment Limitations.
- (a) Lost wages are limited to \$400.00 per week for a maximum of 52 weeks. The maximum award for lost wages is \$15,000. For incidents of criminally injurious conduct occurring on or after October 1, 2014, lost wages are limited to \$600.00 per week for a maximum of 52 weeks. For incidents of criminally injurious conduct occurring on or after October 1, 2014, the maximum award for lost wages is \$20,000.
 - (b) When computing lost wages, twenty percent (20%) will be deducted from the gross amount to reflect income tax and other deductions that would have been subtracted from the earnings.
 - (c) Life insurance shall be considered a collateral source for all claims. If life insurance does not fully compensate the deceased victim's dependents for the eligible expenses they incurred as a result of the victimization, the remaining eligible expenses may be eligible for compensation.

(13) Collateral Source.

- a. Life insurance shall be considered a collateral source for compensation.
- b. When determining if a collateral source has fully compensated a victim or a deceased victim's dependent, a one-year period of a victim's lost wages or other income will be used for calculation of the collateral source offset.
- (c). Charitable donations shall not be considered a collateral source for compensation. If an eligible expense has been paid with charitable donations, the Commission will not reimburse the expense. The Commission only provides compensation benefits for payment or reimbursement of actual expenses.

(14) Moving and Temporary Relocation Expenses

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

- (b) The Commission may award temporary relocation expenses when the victim's home has been temporarily made uninhabitable as a direct result of the crime. Claimants/victims who qualify for temporary relocation expenses may receive per diem at a rate of \$100. If the size of the claimant's/victim's family necessitates the rental of two hotel rooms or larger accommodations, the Commission may consider awarding more than per diem for the temporary relocation expense. A copy of the hotel bill, credit card receipt, or other verifiable document is required for verification.

- (c) Moving and temporary relocation expenses may not exceed a combined total of \$2,000. When the Commission determines that exigent circumstances exist, a maximum of \$3,000 may be awarded.

(15) Travel Expenses.

- (a) The maximum award for travel expenses is \$4,500. Airline tickets or mileage at the Internal Revenue Service's standard mileage rate and a \$100 per diem rate and lost wages may be provided for eligible travel expenses. Hotel receipts must be supplied in order to award \$100 per diem. Airfare will be reimbursed at coach rates only. Travel expenses for the victim, immediate family member(s), or person(s) of the victim's choosing, may be awarded to attend grand jury proceedings for three days if not subpoenaed, grand jury proceedings for as many days as required by subpoena, the offender's preliminary hearing, arraignment, bond hearing, a hearing on any pretrial motion, trial, or any post judgment proceeding. When the victim is deceased, travel may be awarded to immediate family members. Travel may be allowed for immediate family members to travel attend the offender's trial or any post judgment proceeding. When the prosecutor's office or any other entity pays for all or part of the victim's or immediate family member's travel expenses, that amount shall be deducted from the compensation award for travel expenses. Travel may be allowed for medical and psychological treatment that is needed as a result of the victimization. Travel required to procure needed services may be considered for the victim, claimant, and immediate family members. Travel expenses may be awarded for emergency circumstances, as determined by the Commission.
- (b) Travel expenses and lost wages for the victim, immediate family member(s), or person(s) of the victim's choosing, may be awarded for attendance of the offender's parole hearing. When the victim is deceased, travel expenses and lost wages may be awarded to immediate family members or victim representatives. Eligible parole travel expenses shall be reimbursed at the

current Internal Revenue Service's standard mileage rate, coach rate for airfare, and per diem at a rate of \$100.

These requests will only be considered as a supplemental to an original claim. (There must be a timely, approved compensation claim for parole travel expenses to be considered. The Commission will not consider parole travel expenses filed as an original claim.) 262-X-4-.04 (15)(b) shall be retroactive to the date of the Commission's inception.

(c) Travel expenses for immediate family members to attend the victim's funeral may be considered for reimbursement. The Commission may award up to seven days of per diem for funeral travel. Eligible funeral travel expenses may be reimbursed at the current Internal Revenue Service's standard mileage rate, coach rate for airfare, and per diem at a rate of \$100.

(d) To qualify for reimbursement for mileage, the destination must be greater than ten miles from the home (or travel starting point) of the person requesting compensation.

(e) Rental Cars. When the person requesting compensation has rented an automobile for eligible travel expenses, the person may be reimbursed for mileage or a daily rental car fee of \$35. Under no circumstances shall the requesting person receive both. Mileage will be reimbursed at the current Internal Revenue Service's standard mileage rate.

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

- 1) The maximum award for property reimbursement and replacement is \$3,000 per claim.
- 2) The claimant shall provide estimates or receipts for the damaged property for which reimbursement is requested.
- 3) The maximum reimbursement for damaged clothing is \$500. This shall be considered as part of the \$3,000 maximum award for damaged property. Damaged clothing may be reimbursed as follows:
 - a) Pants, jeans or skirt - \$60 maximum per item;
 - b) Shorts or capri pants - \$40 maximum per item;
 - c) Dresses - \$80 maximum per item;
 - d) Shirts and tops - \$50 maximum per item;
 - e) Footwear - \$100 maximum per pair;
 - f) Jacket, coat or blazer - \$100 maximum per item;
 - g) Underwear - \$10 maximum per item;
 - h) Socks and hosiery - \$8 maximum per pair;
 - i) Sleepwear - \$30 maximum;
 - j) Bra- \$50
 - k) Purse - \$25
 - l) Wallet - \$15
 - m) Belt - \$30
- 4) Additional property eligible for reimbursement:
 - a) Security enhancement.
 - 1) Windows and locks for real property owned by the claimant/victim; and windows and locks for rental property leased by the claimant/victim when the claimant/victim is financially responsible for repair(s) to the leased property.
 - 2) Portable wireless security systems for the claimant's/victim's rental home may be considered for reimbursement.

- b) Prescription eyeglasses and contact lenses. The maximum award for damaged prescription eyeglasses is \$350. A receipt/estimate must be provided for the eyeglasses. The maximum award for damaged prescription contact lenses is \$10.
- c) Medically necessitated hairpieces used by the victim because he/she suffers from a condition such as alopecia, or he/she sustained hair loss due to an injury to the scalp or he/she received or is receiving medical treatment that resulted/results in hair loss. Documentation from a licensed health care provider substantiating the victim's hair loss is required;
- d) Furniture, appliances and bedding damaged during the victimization. Damaged furniture, appliances and bedding may be reimbursed as follows:
 - 1) Sofa/couch - \$ 650 maximum;
 - 2) Loveseat/chair and a half - \$350 maximum;
 - 3) Upholstered chair/recliner - \$300 maximum;
 - 4) Coffee table - \$150 maximum;
 - 5) End table/side table - \$100 maximum;
 - 6) Bed - \$500 maximum;
 - 7) Dresser/armoire/chest of drawers - \$300 maximum;
 - 8) Nightstand - \$100 maximum;
 - 9) Mattress set - \$800 maximum;
 - 10) Sheet Set - \$40 maximum;
 - 11) Pillow - \$15 maximum;
 - 12) Comforter/bedspread - \$65 maximum;
 - 13) Blanket - \$30 maximum;
 - 14) Dinette/dining set - \$300 maximum;
 - 15) Lamp - \$40 maximum;
 - 16) Refrigerator -\$500 maximum;
 - 17) Microwave - \$100;
 - 18) Cellular telephone - \$500 maximum
 - 19) Eligible property in this category that is not specifically addressed shall be reimbursed at a reasonable rate as determined by the Commission.
- e) Purchase and installation of the following property for real property owned by the claimant/victim may also be considered for payment/reimbursement:
 - 1) Alarm system - \$600 maximum
 - 2) Security doors - \$800 maximum
 - 3) Burglar bars/security screens - \$2,000 maximum
- 5) The following property shall not be eligible for reimbursement:
 - a) Guard dogs;
 - b) Weapons of any type;
 - c) Automobile repair or replacement costs;
 - d) Cash and/or checks;
 - e) Computers, I-pods and other similar devices;
 - f) Jewelry;
 - g) All-terrain vehicles and similar devices;
 - h) Bicycles, scooters and similar devices;
 - i) Toys;
 - j) Hairpieces that were not obtained due to hair loss;

- k) Televisions, DVD players and discs, VCRs and tapes, stereos, CD players and discs, cameras, video-recorders, game systems and other similar devices.

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

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

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

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

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

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

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

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

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

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

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

(27) Reimbursement may be provided for certified victims of human trafficking and all qualified victims of violent crime for the removal/cover-up of tattoos that were physically forced on them by the alleged offender in the incident made the basis of the compensation claim. The Commission shall decide

reasonable reimbursement on a case-by-case basis. The provider must be licensed by the appropriate governmental body to perform the service rendered to qualify for payment/reimbursement.

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

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

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

262-X-4-.05 Emergency Awards.

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

(a) The applicant is without income at the time of application or immediately prior thereto resulting in loss of food, heat or shelter;

(b) The applicant is in fear or danger for his/her life due to his/her victimization; or

(c) The applicant cannot receive emergency services without emergency payment;

(d) Crime scene clean up shall be considered an emergency service.

(e) Prescription drugs that have been prescribed as a result of victimization shall be considered an emergency product. A copy of the prescription and the pharmacy's statement of the cost of the drug must be received by the Commission for the prescription expense to be considered for emergency payment. Prescriptions for pre-existing medical conditions shall not be considered for reimbursement.

(f) Moving expenses may be considered an emergency service for applicants. Moving expenses may be considered as an emergency expense for applicants who have moved and applicants who have not yet moved. Proof of moving expenses must be received by the Commission for the moving expense to be considered for emergency payment.

The applicant may request in the initial application that consideration be given for an emergency award and provide justification for such award. A decision denying an emergency award shall not be appealable. The amount of such emergency award shall not exceed two thousand dollars (\$2,000). An emergency award shall be deducted from the final compensation made to the applicant. If the final

award is less than the amount of the emergency award, the applicant must repay the excess award to the Commission. All emergency awards are subject to the Code of Ala. 1975.

262-X-4-.06 Garnishment And Assignment Of Compensation Awards.

(1) An award shall not be subject to state or municipal taxation or to execution, attachment, or garnishment, except as 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 cost of which are included in the award.

(2) An assignment by the claimant to any future award is unenforceable, except:

(a) an assignment of any award for work loss to assure payment of court ordered child support; or

(b) 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.

262-x-4-.07 Mental Health Benefits.

(1) Qualified Providers

The Commission may provide reimbursement/payment of therapy expenses if the therapy was provided by a psychiatrist, psychologist, professional counselor, or clinical social worker that is licensed by the appropriate governmental licensing body. The clinician must have an active license at the time the therapy was provided in order to qualify for reimbursement/payment of therapy expenses.

(2) Appropriate Treatment

(a) ACVCC must receive a letter from the clinician certifying that the victim is engaged in necessary therapy due to his/her victimization.

(b) Quarterly updates from the clinician certifying that the treatment is necessary and the result of victimization must be submitted in order for payment to be considered.

(c) The clinician must provide an itemized bill for treatment sessions.

(3) Eligibility for Payment. The claimant, victim, and/or the victim's immediate family members may be eligible for mental health benefits.

(4) Cost Containment

(a) Individual Therapy Rates:

\$80.00 per hour- Licensed Counselor/Social Worker;

\$100.00 per hour- Psychologists (Ph.D.);

\$125 per hour- Psychiatrists (M.D.).

(b) Group Therapy Rates: \$ 60.00 per hour.

(c) Reimbursement for therapy expenses shall not exceed \$6,250, or 50 sessions, unless exigent circumstances exist and the maximum allotment for therapy expenses will be expended before the victim/claimant has been adequately assisted on an outpatient basis. Exigent circumstances may include, but are not limited to, homicide survivors, child victims, and victims diagnosed with Post Traumatic Stress Disorder (PTSD) if the Commission determines that an exigent circumstance exists, the maximum award for therapy is \$8,000. Reasonable efforts should be made to inform victims/claimants that therapy services are provided by community mental health centers on a sliding fee scale. Inpatient treatment shall be considered a medical condition for purposes of compensation. When the victim is a minor, the claimant shall be limited to 15 individual therapy sessions, unless the victim is deceased. The 15 individual therapy sessions limit shall not apply to homicide claims.

(d) Supplemental therapy bills may be submitted to ACVCC as accrued, for consideration of payment.

(e) When therapy services have been provided by county mental health centers, ACVCC will only pay what has been charged on a sliding fee scale.

(5) Criteria for Payment of Therapy Expenses. Eligibility for payment of therapy expenses is based upon receipt of the following documentation:

- (a) a written statement from the therapist indicating that the therapy is directly related to the victimization;
- (b) an itemized bill from the therapist indicating the dates, times and charges for therapy; and
- (c) evidence that the therapist is licensed by the appropriate governmental licensing body.

(6) Therapy via Videoconference. The Commission may reimburse for therapy services rendered via videoconference when the therapy is compliant with all applicable laws and regulations.

(7) Interpreters for Victims/Claimants with Limited English Proficiency (LEP).

- (a) The Commission may provide reimbursement for reasonable fees incurred for the use of interpreters by LEP victims/claimants who seek therapy services as a direct result of the crime. The Commission will determine if the charges are reasonable on a case by case basis. The availability of interpreters in the LEP victim's/claimant's primary or home language will be considered in determining if the charges are reasonable.
- (b) In order to qualify for reimbursement, the interpreter must be:
 - (1) currently certified by any state, regional or national interpreting association, board or body as proficient in the LEP individual's primary or home language, or
 - (2) found to be qualified to interpret in the LEP individual's primary or home language by a municipal, county, state, or federal court.
 - (3) Unrelated by blood or marriage to the claimant and/or victim.

262-x-4-.08 Out-of-State Claims.

a. Pursuant to § 15-23-3 (2)b of the *Code of Alabama*, criminally injurious conduct includes 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, or 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.

b. 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.

c. For the purpose of determining eligibility for out-of state compensation claims, a citizen of the State of Alabama is defined as all citizens of the United States with a permanent place of residence in the State of Alabama.

d. All collateral sources must be considered prior to payment of compensation benefits for incidents of criminally injurious conduct occurring outside the geographical boundaries of the State of Alabama.

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

a. Homicide Victims

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

b. Minor Victims

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

262-x-4-.10 Reconsideration of Claims Filed on Behalf of Minor Victims, Incompetent Victims, or Deceased Victims

1. AUTHORITY

Code of Alabama § 15-23-12(d) (1995), which provides:

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.

2. Compensation cannot be paid to a claimant who is ineligible for compensation benefits. When an ineligible claimant files for compensation benefits on behalf of a minor victim, incompetent victim, or deceased victim, the claim must be not approved.
3. The Commission may reconsider a decision denying or reducing a compensation award for a minor victim, incompetent victim, or deceased victim due to the ineligibility of the claimant, in the event of either of the following:

- a. The minor victim reaches the age of majority, or can otherwise legally act on his/her own behalf;
- b. A person (other than the ineligible claimant) who is legally authorized to act on behalf of a minor victim, incompetent victim, or deceased victim files for compensation benefits on behalf of the victim.

CHAPTER 262-X-5 COOPERATION WITH LAW ENFORCEMENT

262-X-5-.01 Cooperation With Law Enforcement.

The Commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or the Commission staff in the processing of a claim, the Commission may deny, withdraw, or reduce an award of compensation. The Commission shall determine the extent of the cooperation by the victim and the following criteria shall be used:

- (a) The claimant's failure to assist and cooperate with the prosecution of the case or to appear as a witness shall constitute noncooperation and the claim shall be denied.
- (b) In instances in which the claimant initially fails to cooperate with law enforcement but subsequently begins to cooperate, compensation may be reduced or denied to the extent which his/her failure to cooperate hindered the investigation and/or prosecution of the case.
- (c) If law enforcement indicates that the claimant was reluctant to give information pertaining to the crime; failed to appear when requested, without good cause, gave false or misleading information, or attempted to avoid law enforcement, the award shall be denied.
- (d) A claimant's failure to cooperate with ACVCC's processing of the claim shall also be a basis for rendering a claim ineligible.

CHAPTER 262-X-6 COMPENSATION BENEFITING OFFENDER

262-X-6-.01 Compensation Benefiting Offender.

Compensation shall not be awarded if the award would unjustly benefit the offender or accomplice of the offender.

262-X-6-.02 Domestic Abuse.

No claim resulting from an incident of domestic abuse shall be denied based solely upon a finding that a claimant resides or has resided with the alleged offender of the crime for which the claim has been filed. The Commission shall not deny payments to third party vendors based solely upon a finding that the victim and offender are maintaining a relationship.

- (a) Procedures. When victims of domestic abuse have submitted claims for lost wages, and where the Commission finds that the victim is living with the offender, or if the Commission is unable to determine whether a claimant is living with the offender of the crime for which the claim is filed, the Commission

shall, by mail, request that the claimant clarify whether the offender is residing with the claimant. The Commission shall, as part of this request, collect information, which determines whether there has been, and continues to be criminal justice, mental health, or human service program involvement.

(b) Claim Determination. When an individual who has committed domestic violence is residing with a claimant who has requested lost wages, the Commission shall not deem the claim ineligible based solely on the cohabitation if there is reasonable evidence that the offender has been held accountable through the criminal justice system, human services involvement or intervention; or when there is evidence that the payment of lost wages will sustain the victim's living expenses. No claim shall be denied solely because it succeeds one previous claim for victimization by the same offender.

(c) The continuance of a relationship between the victim and offender shall not in itself preclude payment.

CHAPTER 262-X-7 RECOVERY FROM COLLATERAL SOURCES

262-X-7-.01 Recovery From Collateral Sources.

(1) 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.

(2) If the claimant received compensation from a source other than the Commission after the Commission has made an award to the claimant, the claimant will be required by law to reimburse the Alabama Crime Victims Compensation Commission Fund. Failure to do so will result in a Class C felony.

(3) If a claimant files a civil suit to recover damages related to the criminally injurious conduct upon which compensation has been 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 proceedings as a complainant to recover the compensation awarded. If the Commission does give notice, attorneys fees may be awarded in an amount not to exceed fifteen percent (15%) of the amount subrogated to the Commission.

(4) If the offender is ordered to pay restitution to the claimant, the claimant must notify the Commission of this action in writing.

(5) In the case where compensation has already been paid to the claimant, the judge may award restitution to be paid directly to the Alabama Crime Victims Compensation Commission Fund.

(6) 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 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 fees or other charges for the recording of restitution orders in the offices of the judges of probate.

(7) The Commission may reduce an award amount based on the amount already received from a collateral source contribution, unless the claimant was receiving or was entitled to receive such benefits prior to the incident for which a claim is filed.

(8) In the event the claimant recovers compensation, other than through the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee for the Commission, so much of recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Commission Fund to the extent that compensation was awarded to the claimant from that fund.

CHAPTER 262-X-8 PENALTIES FOR FILING FALSE CLAIMS

262-X-8-.01 Penalties For Filing False Claims.

(1) 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 said Commission, or with the intent to obtain an award of compensation for a person not entitled to receive same, shall be guilty of a Class C felony.

(2) 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 receive an award of compensation to which such person is not entitled shall be guilty of a Class C felony.

CHAPTER 262-X-9 APPEALS PROCEDURE

262-X-9-.01 Appeals Procedure. - REPEALED

CHAPTER 262-X-10 ATTORNEY'S FEES

262-X-10-.01 Attorney's Fees.

If a claimant or victim chooses to be represented by an attorney, said claimant or victim will be responsible for the payment of his or her attorney's fees.

CHAPTER 262-X-11 SEXUAL ASSAULT

262-X-11-.01 Sexual Assault Examination Payment Program.

Program Description: This section provides for payment of the initial forensic examination which is performed on victims of sexual violence for the purpose of obtaining evidence to potentially pursue criminal charges against sexual assault offenders and for the prevention and treatment of venereal disease. Adult and child sexual assault examinations may be paid pursuant to the below sections.

AUTHORITY

Code of Alabama § 15-23-5 (24) (1995), which provides:

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: 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.

1) DEFINITIONS

- a) Sexual Assault Nurse Examiner: a registered nurse who has received specialized training or certification that qualifies him/her to conduct sexual assault examinations for adult and child victims of sexual assault for the purpose of gathering and preserving evidence for potential use in a criminal prosecution. A Sexual Assault Nurse Examiner may also administer prophylaxis against venereal disease.
- b) Sexual Assault Examination: a physical examination performed by a registered nurse or physician in a hospital or medical clinic or a Sexual Assault Nurse Examiner in a SANE facility on adult victims of sexual assault for the purpose of gathering and preserving evidence for potential use in a criminal prosecution and the treatment and prevention of venereal disease.
- c) Sexual Assault Nurse Examiner Fee: Fee paid for the professional services of a Sexual Assault Nurse Examiner.
- d) SANE Facility: A community or hospital-based program that provides for the collection and preservation of evidence in cases of sexual violence, as well as the treatment and prevention of venereal disease in a compassionate, victim-sensitive setting.
- e) Child Sexual Assault Examination: a physical examination performed by a registered nurse or physician in a hospital or medical clinic or a Sexual Assault Nurse Examiner in a SANE facility on a child victim of sexual assault who is less than eighteen years of age for the purpose of gathering and preserving evidence for potential use in a criminal prosecution and the treatment and prevention of venereal disease.

2) COLLATERAL SOURCE

- a) Any expense associated with a sexual assault examination covered or paid by a collateral source will not be reimbursed by the Commission.
- b) Code of Alabama § 15-23-3 (13) (1995) defines collateral source as follows:

(a) 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:

- a. The offender.
- b. 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.
- c. Any temporary nonoccupational disability insurance.
- d. Workers' compensation.
- e. Wage continuation programs of any employer.
- f. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct.
- g. A contract providing prepaid hospital and other health care services or benefits for disability.

c) Any collateral source available for the payment of a sexual assault examination must be utilized prior to submitting a sexual assault examination to the Commission's Sexual Assault Examination Payment Program.

i) A hospital, medical clinic, or SANE facility should not bill the victim of sexual violence for the sexual assault examination. Alabama Attorney General Troy King's *Protocol for the Examination and Treatment of Victims of Sexual Assault* states "victims should not be billed for sexual assault examinations." *Alabama Attorney General Troy King's Protocol for the Examination and Treatment of Victims of Sexual Assault*, page 20.

3) ELIGIBILITY AND PAYMENT PROCEDURES

a) Sexual assault examinations performed on or after July 27, 1995, may be considered for payment.

b) Exams Performed in Hospitals and Medical Clinics

i) Sexual assault examinations performed by a registered nurse or physician in a hospital or medical clinic for the purpose of gathering evidence and treating and preventing venereal disease will be considered for payment.

(1) Hospitals and medical clinics must submit the current version of an UB form, itemized bill, and medical records.

- ii) Sexual assault examinations performed in a hospital or medical clinic will be reviewed to determine the reasonableness and eligibility of the charges.
 - (1) If after the Commission's review of the charges, they are found to be charged at an excessive rate and/or not rendered for the purpose of gathering evidence and/or treating and preventing venereal disease, the charges will be denied for payment.
- iii) If after the Commission's review of the charges, it is determined that they do not comply with the Alabama Attorney General's *Protocol for the Examination and Treatment of Victims of Sexual Assault*, the charges will be denied for payment.
- c) Exams Performed by a Sexual Assault Nurse Examiner (SANE).
 - i) Each itemized bill or statement for a sexual assault examination will be considered for payment in the order that it is received.
 - ii) Each itemized bill or statement will be reviewed for accuracy and to determine the appropriate payment category. The itemized bill or statement will be paid based upon the payment category the Commission determines is appropriate.
 - iii) The Commission will provide reimbursement for "Jane Doe" sexual assault examinations performed on adult victims.
 - iv) The Commission will not reimburse for "Jane Doe" sexual assault examinations for children.
 - v) Each itemized bill or statement must identify the International Classification of Diseases (ICD-9) code.
 - vi) Each billed procedure, service or supply/medication must be itemized.
 - vii) Each billed procedure, service or supply/medication must include the appropriate Physicians' Current Procedural Terminology (CPT) code.
 - viii) The initial forensic examination will be considered for payment. Only services rendered, and medications provided "for the purpose of gathering evidence and treatment for preventing venereal disease in sexual abuse crimes and offenses" will be considered pursuant to the Commission's Sexual Assault Examination Payment Policy.
 - ix) Each itemized bill or statement must include a copy of the completed Sexual Assault Information Form (AL102) that is included in the State of Alabama Collection Kit provided by the Alabama Department of Forensic Sciences or equivalent documentation. Alabama Department of Forensic Sciences provides collection kits free of charge and payment will not be provided for the kits.
 - x) Signed, written confirmation from an employee of the SANE facility that the sexual assault was reported to the Department of Human Resources (DHR) or law enforcement must be provided in cases in which the victim is a minor. If confirmation is not received, the sexual assault examination will not be considered for payment.

d) Referrals from Hospitals and Medical Clinics

- i) When a hospital or medical clinic refers a victim of sexual violence to a SANE facility, the SANE facility will be paid for the cost of the sexual assault examination.
- ii) When a hospital or medical clinic and a SANE facility perform a sexual assault examination for the same incident, the SANE facility will be paid for the cost of the sexual assault examination. If the hospital or medical clinic administered medication and the SANE facility did not administer medication, the hospital or medical clinic may be paid the difference between the cost of an exam with medication and the cost of an exam without medication for the appropriate payment category.
- iii) The Commission will not pay a hospital or medical clinic and a SANE facility a duplicate fee for the same incident through the Sexual Assault Examination Payment Program.

4) COLLECTION OF EVIDENCE WITHIN 72 HOURS

- a) If it is determined that the sexual assault took place more than 72 hours prior to the sexual assault examination, the use of an evidence collection kit may not be necessary. *Alabama Attorney General' Alabama Protocol for the Examination and Treatment of Victims of Sexual Assault.*
- i) The reasonableness of the charges for sexual assault examinations performed after 72 hours will be determined on a case-by-case basis.
 - (1) The age, mental capacity, and the victim's ability to seek a sexual assault examination within 72 hours of the assault will be considered when making a determination regarding the reasonableness of a sexual assault exam performed more than 72 hours after the sexual assault.

5) INELIGIBLE EXPENSES

- a) The following expenses are not eligible pursuant to the Commission's Sexual Assault Examination Payment Program:
 - i) treatment for injuries;
 - ii) medication for any purpose other than the treatment and prevention of venereal disease;
 - iii) hospital admissions.
- b) All sexual assault victims should be provided a crime victims' compensation application. Expenses that are ineligible pursuant to the Commission's Sexual Assault Examination Payment Program may be eligible for crime victims' compensation benefits.

6) FALSE REPORTS

- i. a) The Commission will not compensate for a sexual assault examination if it is determined that a rape or sexual assault did not occur. Examples of false reports include, but are not limited to, consensual sexual contact and no sexual contact.

7) SEXUAL ASSAULT EXAMINATIONS CONDUCTED ON ALLEGED PERPETRATORS/OFFENDERS

- (1) The Commission does not provide for the cost of sexual assault examinations performed on alleged perpetrators/offenders.

8) SEXUAL ASSAULT EXAMINATION PAYMENT CATEGORIES

- a) Child Sexual Assault Examination Without Medication - \$400
- i) This fee includes exam, nurse examiner fee, pregnancy test, microscopic sperm screening, 14 Fr Foley Hymenal Exam, and drug screen.
 - ii) If the itemized bill is less than \$400, the lesser amount of the itemized bill will be paid.
- b) Adult Sexual Assault Examination Without Medication - \$400
- i) This fee includes exam, nurse examiner fee, pregnancy test, microscopic sperm screening, 14 Fr Foley Hymenal Exam, and drug screen.
 - ii) If the itemized bill is less than \$400, the lesser amount of the itemized bill will be paid.
- c) Adult Sexual Assault Examination with Medication - \$550
- i) This fee includes exam, nurse examiner fee, pregnancy test, microscopic sperm screening, 14 Fr Foley Hymenal Exam, drug screen, and all medications except HIV prophylaxis.
 - ii) If the itemized bill is less than \$550, the lesser amount of the itemized bill will be paid.
- d) Child Sexual Assault Examination with Medication - \$550
- i) This fee includes exam, nurse examiner fee, pregnancy test, microscopic sperm screening, 14 Fr Foley Hymenal Exam, drug screen, and all medications except HIV prophylaxis.
 - ii) If the itemized bill is less than \$550, the lesser amount of the itemized bill will be paid.
- e) Sexual Assault Examinations Conducted Away from Office/Clinic Base - \$300
- f) Lab Processing Fee - \$50
- i) A lab processing fee may be paid for testing for venereal diseases for sexual assault examinations performed at a hospital or SANE Clinic. Documentation of the testing must be provided in order to issue payment for a lab processing fee.
 - (1) The Commission does not provide compensation for lab or specimen collection fees.

9) HIV PROPHYLAXIS

- ii) The Commission may consider payment for the cost of providing HIV prophylaxis for victims of sexual violence through its Sexual Assault Examination Payment Program. Payment for HIV prophylaxis may be reduced when payment is made by insurance or other collateral sources.
- i) If it is determined that a victim of sexual violence is at risk for exposure to HIV, the Commission may provide payment for a 28-day drug regimen of HIV prophylaxis to a SANE facility, hospital, medical clinic, pharmacy, or victim of sexual violence.
- ii) The Commission may provide payment for one follow-up medical visit to monitor tolerance of the HIV prophylaxis by a victim of sexual violence. The amount of payment for this expense will be decided on a case-by-case basis and it will be determined based on the

reasonableness of the charges. (Additional medical care may be considered for payment if the victim of sexual violence files a regular crime victims' compensation application.)

- iii) If a victim of sexual violence has health insurance, the pharmacy, hospital, or medical clinic filling the prescription for HIV prophylaxis must first seek payment of the expense from the health insurance provider.
- b) The Commission will not reimburse for HIV prophylaxis if the nature of the assault does not support this treatment protocol.
- c) The Commission recognizes that HIV prophylaxis is costly. Sexual assault examinations that exceed \$2,000 must be presented to the three-member Commission for approval pursuant to section 15-23-5 (13) of the *Code of Alabama*. Sexual assault examinations that exceed \$2,000 may take longer to process for payment.
- d) HIV Prophylaxis Payment Limitations
 - i) Truvada (28-day supply): \$1,546.52
 - ii) Isentress 400 mg (28-day supply): \$1,473.72
 - iii) Retrovir (28-day supply): \$554.60
 - iv) Epivir (28-day supply): \$498
 - v) Tivicay (28-day supply): \$1825.99

262-X-11-.02 Eligibility Criteria for Sexual Assault Payments. – REPEALED

CHAPTER 262-X-12 DOMESTIC VIOLENCE -REPEALED

262-X-13 SPECIAL SERVICES

262-X-13-.01 Persons with Limited English Proficiency

Purpose: The ACVCC is committed to providing all victims/claimants with meaningful access to its services. The ACVCC shall provide at no cost to the victims/claimants, timely and accurate language assistance and communication assistance to persons with limited English proficiency (LEP). Language assistance will likely be needed during the submission of the application, claim investigation and appeal hearing. The ACVCC is committed to providing language assistance without delay, at every contact point.

(1) Definitions:

- (a) Limited-English-Proficient Persons: Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the ACVCC.
- (b) Appropriately trained:
 - (1) Proficiency in both English and the language spoken by the LEP individual;

(2) Orientation or training that includes the ethics of interpreting; and

(3) Fundamental knowledge in both languages of specialized terms and concepts.

- (c) Vital documents: Documents that individuals applying for compensation benefits must understand, respond to or complete in order to access the crime victims compensation program. Vital documents also include documents that inform the victim/claimant of his/her rights.

(2) Language Assistance Procedure

(a) Oral Language Interpretation

(1) ACVCC will provide competent interpreters and other language assistance in a timely manner.

(b) Interpreter Sources: ACVCC will use a variety of resources that include:

(1) Outside interpreter services;

(2) Voluntary community interpreters who are trained and competent in the skill of interpreting;

(3) A telephone language interpreter service.

(3) Certified/Qualified Interpreters: The ACVCC does not certify individuals as interpreters. However, any person may serve as an interpreter for LEP persons if the individual meets the following requirements:

- (a) The individual has been certified pursuant to 28 U.S.C. § 1827 (B)(1) or found to be otherwise qualified pursuant to 28 U.S.C. § 1827 (B)(2) in the LEP individual's primary or home language by the Director of the Administrative Office of the United States Courts; or
- (b) Is currently certified by any state, regional or national interpreting association, board or body as proficient in the LEP individual's language.

(4) Non-Certified Qualified Interpreters: ACVCC recognizes that a victim/claimant may choose to utilize the services of an interpreter who is not certified, such as a family member or friend. When this occurs, ACVCC will ensure informed choice by taking the following steps:

- (a) ACVCC will inform the victim/claimant that the agency will provide an interpreter at no cost to the victim/claimant.
- (b) If the victim/claimant makes an informed choice to use an interpreter who is not qualified, ACVCC will have the victim/claimant sign a form documenting that choice.
- (c) The interpreter will sign an acknowledgement of his/her responsibility and provide an oral translation of the informed choice statement to the victim/claimant.

- (d) These actions will be documented in the victim's/claimant's file with copies of the signed documents.
- (e) ACVCC will utilize the services of a qualified interpreter to ensure accurate interpretation, when the victim/claimant's chooses to utilize the services of a non-certified qualified interpreter.

(5) Translation of Written Materials

- (a) ACVCC shall provide all vital documents, including the claim application, in Spanish in hard copy and on the ACVCC website, if appropriate.
 - (b) The ACVCC shall review the LEP policy, frequency of contact with LEP individuals, and general population data for the state of Alabama at the beginning of each fiscal year in order to determine if the LEP population demographics have changed to include a significant number of LEP individuals who require translation/interpretation services in some language other than Spanish.
 - (c) In the instance that an LEP victim/claimant requires vital documents and an interpreter in a language other than Spanish, the ACVCC shall make all vital documents available to the victim/claimant in his/her language as soon as possible, without delay. A telephone translation service will be utilized immediately to communicate with the victim/claimant and advise him/her that the vital documents will soon be available in his/her language.
- (6) Notice to LEP Individuals: ACVCC will provide effective notice to LEP individuals that they have the right to language assistance and that such assistance is free of charge.





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