

APA-3
Revised 1/2018

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

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 9th day of March, 2023, and filed with the agency secretary on the 9th day of March, 2023.

AGENCY NAME: Alabama Crime Victims Compensation Commission

Amendment New Repeal (Mark appropriate space)

Rule No. 262-X-3-.01

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: The Commission - General Powers and Duties

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

This rule was adopted without changes from the proposal.


NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLI,
ISSUE NO. 4, AAM, DATED January 31, 2023.

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

REC'D & FILED
(Date Filed)
(For LSA Use Only)

MAR 9 2023

LEGISLATIVE SVC AGENCY



Certifying Officer or his or her
Deputy Kim Martin, Interim Director

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

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 may do any of the following:

1. Regulate its own procedures except as otherwise provided in this chapter;
2. Define any term not defined in this chapter;
3. Prescribe forms necessary to carry out the purposes of this chapter;
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 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 may 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;
7. Collect all monies provided by this chapter 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 monies to be invested and its investments sold or exchanged and the proceeds and income collected;
11. Determine who is a victim or dependent;
12. Consider all applications for compensation or other benefits provided for in this chapter;
13. Authorize the executive director to determine eligibility for all applications for compensation and authorize payment for approved and reduced claims.

a. The Commission shall review all contested cases pursuant to the Alabama Administrative Procedure Act. The Commission may affirm, reverse, or modify the executive director's claims decisions.

14. Adopt rules to expedite the administration of the affairs of the Commission not inconsistent with this article.

15. Provide descriptive literature and promotional items respecting the duties of the Commission.

16. Pay all compensation or other benefits that may be determined to be due under this chapter and under the rules of the Commission;

17. 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;

18. Receive by gift, grant, devise or bequest any monies or property 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 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;

22. Collect, develop and maintain statistical information, records and reports 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, upon written request by the Commission, shall furnish the Commission such statistical information or data as requested by the Commission 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 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. 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 forensic medical examinations for the purpose of gathering evidence and treatment for preventing sexually transmitted infections in sexual abuse crimes and offenses;

25. Carry out any powers expressly granted elsewhere in this chapter to the Commission; and

26. All other powers necessary for the proper administration of the provisions of this chapter.

Author: Kim Martin

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

History: Filed March 9, 2023; effective May 15, 2023