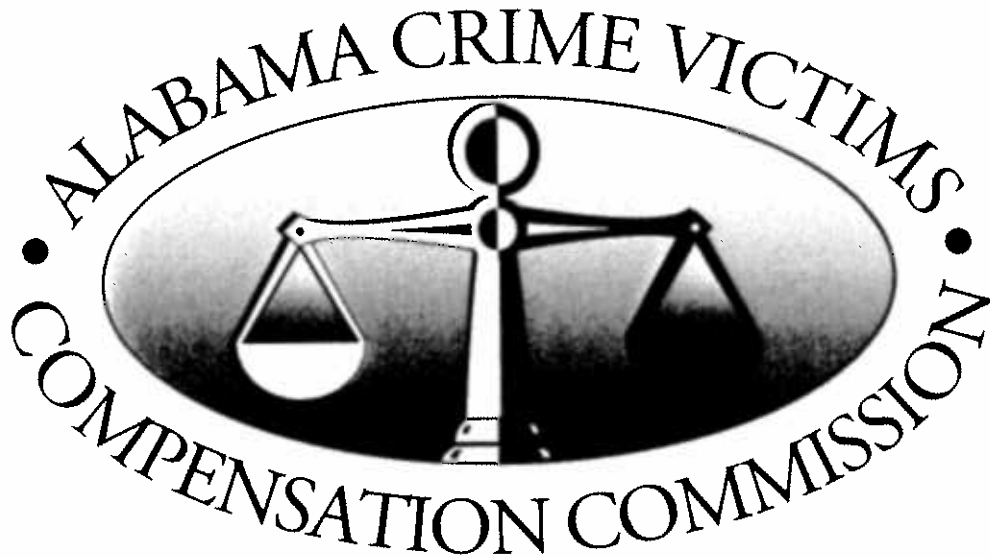


Alabama Crime Victims  
Compensation Commission

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



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**ANNUAL REPORT**

OCTOBER 1, 2002 - SEPTEMBER 30, 2003

# Table of Contents

Prologue . . . . .	i
Letter to Governor and Legislature . . . . .	ii
Commissioners . . . . .	1
Executive Director . . . . .	2
History . . . . .	3
The Claims Process . . . . .	12
Compensation Awards . . . . .	20
Budget and Statistical Data . . . . .	14
Statistical Data . . . . .	15
Balance Sheet . . . . .	16
Statement of Revenue vs Expenses . . . . .	17
Breakdown of Claims by County Occurrence . . . . .	18
Breakdown of Claims by Age and Gender . . . . .	22
Breakdown of Claims by Offense and Race . . . . .	23
Breakdown of Claims by Reason . . . . .	24
Money Comparison Last Five Years . . . . .	24
Exhibits . . . . .	24
A—Statute, Code of Alabama 1975, Section 15-23-1 et seq . . . . .	25
B—Organizational Chart . . . . .	36
C—Crime Clock 2003 . . . . .	37
Notes . . . . .	39

# PROLOGUE

## *We Hear The Need for Help*

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

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

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

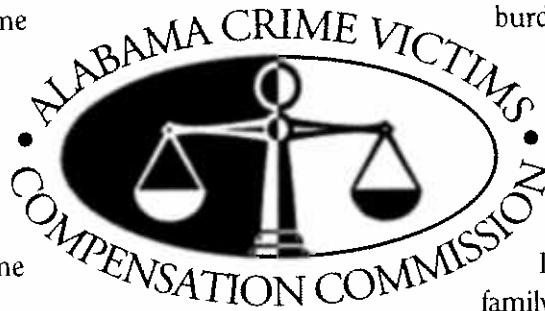
As of July 27, 1995, in sexual abuse crimes and offenses, Alabama law provides for the

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

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

Our state law is unique. It requires a victim or family member of a victim of violent crime to serve on the three-member commission which hears victim compensation cases. This provision insures that claims are reviewed from the victim's standpoint.

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





# ALABAMA CRIME VICTIMS COMPENSATION COMMISSION

P. O. BOX 1548

RSA Union Building, 100 N. Union Street, Suite 770

Montgomery, AL 36102-1548



Martin A. Ramsay  
Executive Director

Commissioners  
Miriam Shehane  
Barbara Brown  
Chief Rick Singleton

Honorable Bob Riley  
Governor of Alabama  
Alabama State Capitol  
Montgomery, Alabama 36130

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

Dear Governor Riley, Ladies and Gentlemen:

On behalf of the Commissioners of the Alabama Crime Victims Compensation Commission and this office, it is my honor to submit the Annual Report of the Alabama Crime Victims Compensation Commission for the period October 1, 2002, through September 30, 2003. The report comprises the areas of responsibility of the Commission, as well as special activities the Commission has endeavored to present and sustain each year.

This year, more than \$3,500,000 was paid by the Commission to victims of violent crimes for financial losses they incurred as a result of their victimization. Since the inception of the Crime Victims Compensation Commission in 1984, almost \$60,000,000 has been provided to innocent victims of crime in Alabama. That we are able to continue to operate for the best interests of the citizens of Alabama is a testament to the support the Commission has received from your office and the Alabama Legislature. We are indebted to the judges, district attorneys, law enforcement officers, victim service officers, and victim advocate groups that humbly serve the needs of the innocent victims we serve.

Thank you for the continuing opportunity to be of service to crime victims and their families.

Sincerely,

Martin A. Ramsay  
Executive Director

MAR/em

*Meeting the Critical Needs of Crime Victims*

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



# Governor Appoints Commission



**Miriam Shehane**

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 20, 1998 by Governor Fob James, 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 the trauma of victimization first hand when her 21 year old daughter Quenette, was murdered in 1976 while enrolled at Birmingham Southern. Miriam and her husband Edward have two children and seven grandchildren and reside in Clio, Alabama.



**Chief Rick Singleton**

Chief Rick Singleton was appointed to the Commission in June 2003 by Governor Bob Riley to serve a four-year term as the law enforcement representative. He has served as the Chief of Police of the Florence Police Department since 1996. He began his career in 1972, serving as deputy sheriff with the Lauderdale County Sheriff's office. Chief Singleton holds a Bachelor of Science in Law Enforcement and Business Administration from the University North Alabama and a Master's Degree of Science in Criminal Justice from the University of Alabama at Tuscaloosa. Chief Singleton is active in numerous civic and community activities. Chief Singleton's training and expertise in the field of front line law enforcement adds a dimension that will no doubt lend credit to the work of the commission, as claims are reviewed and decision are made. He and his wife Peggy have two children, and reside in Florence, Alabama.



**Barbara Brown**

Mrs. Barbara Brown was appointed to the Alabama Crime Victims Compensation Commission as the crime victim representative to serve a four-year term in November 1996 by Governor Fob James. She was re-appointed to serve a second term on February 13, 2001 by Governor Don Siegelman. Mrs. Brown is the mother of two murdered sons, Brandon Brown, age 19 years, and Horace Jr. age 28 years. Although no arrests have been made in either of her son's brutal murders, she does not allow herself to rest from seeing that the murderers are brought to justice. Effective April 3, 2001, Mrs. Brown and others saw the passage of a Resolution designating that April 4, 2001, be declared as National Anti-Murder Awareness Day, and The Purple Ribbon as the National Symbol Against Violence. Mrs. Brown's attitude of "we can all do something, and should never stop trying to make a difference for crime victims," makes her an outstanding role model for everyone. She also hosts a weekly radio program entitled Victims Voices. Barbara and her husband Horace have a daughter and reside in Selma, Alabama.



## From the Executive Director



**Martin A. Ramsay**  
Executive Director

Martin A. Ramsay was appointed as Executive Director of the Alabama Crime Victims Compensation Commission on February 28, 2000.

Prior to beginning his tenure at the Alabama Crime Victims Compensation Commission (ACVCC), Mr. Ramsay served 12 years at the Alabama Administrative Office of Courts as State Coordinator of Court Referral Programs and Assistant Director of Trial Court Services Division. He was responsible for the implementation and management of the Alabama Court Referral Program network and the Mandatory Treatment Act.

Mr. Ramsay holds a Bachelor's degree in Criminal Justice from Troy State University in Montgomery and a Master's degree in Justice and Public Safety, with major course-work in Judicial Administration, from Auburn University at Montgomery. Additionally, he is a *Fellow* with the National Center of State Courts, Institute of Court Management, located in Williamsburg, Virginia. He was recognized as a *Fellow* at a ceremony in June of 2000 at the United States Supreme Court.

In addition to his work within the criminal justice system, Mr. Ramsay has over twenty years experience in the substance abuse field; certified as a Master's Level Addictions Professional, Certified Alcohol and Drug Abuse Professional, Certified Criminal Justice Addictions Professional, Certified Prevention Manager, and an Internationally Certified Alcohol and Drug Abuse Professional.

Mr. Ramsay stated, "Working at the ACVCC, with innocent victims of violent crime, our dedicated staff and Commissioners, is an honor. In the past four years, services to crime victims by this agency has increased and improved markedly."

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

# HISTORY



## State Agency Formed

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

One of the features of Alabama's law which makes it unique is the requirement to include on the three member Commission, a victim of a crime of violence who suffered serious personal injury, or a member of such victim's immediate family or a member of a deceased victim's immediate family if the deceased victim died because of a crime of violence. This provision insures that each claim is viewed through the eye of a victim, and is seen as objectively as possible. The law also provides that one member be a law enforcement officer with a minimum of 10 years experience in or with a law enforcement agency, which has among its primary duties and responsibilities the investigation of violent crimes. Again, a certain perspective lends itself to the decision making process.

## Law Amended

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

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

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

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

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

- Criminally Injurious Conduct shall include the act of terrorism as defined in Section 2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state.
- Raised the maximum award allowance from \$10,000.00 to \$15,000.00.



- Increased the allowable for expenses relating to funeral, cremation, or burial from \$3,000.00 to \$5,000.00.
- Increased compensation for work loss, replacement services loss, and dependents' replacement service loss from \$200.00 to \$400.00 per week.
- Raised the maximum allowable expense not to exceed \$5,000.00 for all future economic loss.
- Clarifying language was added to 15-23-4 to keep the names and addresses of the victim or claimant confidential.
- Language was added to 15-23-12 to clarify the circumstances for filing with the commission later than one year after the injury or death upon which the claim is based "unless" the commission finds good cause.
- Language was added to 15-23-12 to clarify reporting to a law enforcement officer "later than" 72 hours after the crime occurrence, unless the commission finds there was good cause for the failure to report within that time.
- Raised the commission members' pay from thirty dollars (\$30.00) to seventy-five dollars (\$75.00) per day for attendance of commission meetings.

## History of Compensation Payments

Over the past nineteen years, the ACVCC program has received over 25,000 applications from crime victims, and awarded more than \$59,000,000 for services rendered them. The calculations below show the years the claims were received and the total dollars paid.

### INITIAL CLAIMS RECEIVED & PAID

<i>FY</i>	<i>RECEIVED</i>	<i># PAID</i>
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
<b>TOTAL</b>	<b>26,948</b>	<b>59,020,286</b>





# YEAR IN REVIEW



## **New Commissioner Appointed**

Chief Rick L. Singleton, of the Florence Police Department, was appointed to the Alabama Crime Victims Compensation Commission as the law enforcement representative to serve a four-year term in June 2003 by Governor Bob Riley.

Chief Singleton has served as Chief of Police of the Florence Police Department since 1996. He began his career in 1972 serving as a deputy sheriff with the Lauderdale County Sheriff's Office, moving up the ranks of the Florence Police Department before being appointed to the office of Chief of Police.

Chief Singleton was educated in the Florence School System and received a Bachelor of Science in Law Enforcement and Business Administration from the University of North Alabama, Florence, and a Master's Degree of Science in Criminal Justice in 1982 from the University of Alabama at Tuscaloosa.

Chief Singleton has numerous accomplishments to his credit including inclusion in the International Who's Who of Public Service in 2001. He serves in many community and civic organizations including serving as an officer in the Kiwanis Club of Florence, and on the Board of Directors of Safeplace Inc., the Domestic Violence Program in Florence as well as many other organizations.

He and his wife Peggy have two children. He is a member of the Woodmont Baptist Church.

## Captain Benny Ray Peoples Retires

On June 14, 2003, Captain Peoples tendered his resignation as Commissioner of the Alabama Crime Victims Compensation Commission after eight (8) years of service to the commission. Captain Peoples, a retired 30-year veteran with the Alabama Department of Public Safety, was first appointed to the commission in June 1995 as the law enforcement representative to serve a four-year term by Governor Fob James. He was subsequently re-appointed to his second four-year term by Governor Don Siegelman.

As Captain Peoples announced his retirement to the Commissioners and staff, he commended the staff for their dedication and hard work, adding, "this is one of the most dedicated agencies that I have had the pleasure of working with. I want to thank each one of you for all you do for crime victims." He read a poem that he has allowed to be printed in this year's Annual Report entitled simply "Crime Victims."

### *Crime Victims*

*Crime runs rampant throughout the land,  
Victims have no one to help them make a stand,*

*Gunshots ring throughout the night,  
Victims soon learn they have few rights,*

*The everlasting sadness in a victim's eyes,  
Standing at the grave saying a final good-bye,*

*Little children with tears running down their face  
Murdered parents will never see them run to first base,*

*Judges and lawyers wheel and courtroom deal,  
Victims soon learn they have few court appeals,*

*Old and young people and children have no band,  
They just need someone to listen and hold their hand,*

*A mother and father have only memories to remain,  
The results of a crime that leaves a life of pain,*

*Crime scars of the body and soul lasts a lifetime,  
They mostly come back to haunt victims at nighttime,*

*So help crime victims whenever you can,  
Remember you can be a crime victim in this land.*

*Benny R. Peoples  
June 14, 2003*



## **ACVCC Crime Victim Claims Manager Called to Active Duty**

Sandra Perillard, an ACVCC Crime Victims Manager, was called to active duty to serve one year in Washington, DC on the security detail. When President Bush called members of the Alabama National Guard to serve their country because of the terrorist threats, one of our own responded.

On October 1, 2002, CW2 Sandy Perillard, a CID agent with the 1156th MP DET with the Alabama National Guard was assigned to the Department of the Army's Protective Services Unit (PSU) in Washington, DC. The *PSU* operates much like the U.S. Secret Service, but with specific goal of protecting Department of Defense (DOD) leaders. The unit is, in fact, DOD's premiere provider of executive protection services.

## **Annual Children's Christmas Party**

The Alabama Crime Victims Compensation Commission hosted the Annual Children's Christmas Party for the Grieving Children of Homicide Victims at the Embassy Suites Hotel in Montgomery. This marked the seventh anniversary of this event that is planned each year to remember those families whose loved ones were so tragically killed as a result of violent crime. The Advocacy Division coordinated the activities, inviting special guests and participants.

Because of generous donations received, the children and family members were able to enjoy a day filled with fun, gifts, magic tricks, and food that was planned especially for them. This is a time honored event at ACVCC and is planned to let families of homicide victims know that someone cares about them.

## **ACVCC Establishes a Restitution Recovery Division**

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

To this extent, ACVCC established a Restitution and Civil Suit Recovery Division, to pursue all means of collecting monies due to the agency. The ACVCC employees that have been assigned the duties of implementing the plan are: Colette Gray and Kathy Miller, Crime Victim Specialists and Linda Powell, an Administrative Support Assistant, to begin to examine all possibilities of recovery methods.

Restitution recovery is a major part of the work at ACVCC. The law allows for the agency to be subrogated to all rights of a claimant to receive or recover from a collateral source such as civil lawsuits or insurance payments based on the amount paid on a compensation claim. ACVCC will actively pursue all avenues of recovery to the extent possible when it has been determined necessary to protect, maintain, or enforce the commission's rights to be subrogated, or to exercise any of its powers to carry out the commission's duties and responsibilities.

## **ACVCC Hosts Victims Rights Week Reception**

The Commission and staff welcomed invited guests to a reception on Friday, April 11, 2003 to commemorate National Victims Right Week. This year's theme was "Victims Rights: Fulfill the Promise." Following the reception, ACVCC invited everyone to attend the Annual Candlelight Vigil held at the Department of Public Safety.

ACVCC Commissioners and staff were honored to host this special reception on the occasion to recognize National Victims Rights Week, and is dedicated to truly work to fulfill *the promise to make victims rights a reality*.

## **ACVCC Crime Victim Specialist Honored**

Stacey Olds, Crime Victim Specialist, assigned to process all domestic violence special award claims, was awarded the Doug Miller Memorial Public Service Award by the Alabama Coalition Against Domestic Violence at a ceremony held to recognize October as Domestic Abuse Prevention Month. This is a time designated to bring attention to the plague of family violence.

The Alabama Crime Victims Compensation Commission continues to make compensation awards to victims who are attempting to leave to a safe place through the Domestic Violence Special Award Program. This year the program assisted families, and paid out more than \$157,000 to help with daily living expenses, and other related expenses. The special award is for the immediate needs of families leaving a shelter environment. ACVCC is doing its part to stamp out domestic violence in Alabama. ACVCC continues to assist victims through the regular claims process for medical, counseling and other related to family violence.

## **Other Agency Accomplishments**

### **Public Awareness**

As the state agency designated to advocate on behalf of victims of violence, the Alabama Crime Victims Compensation Commission spends a great deal of time on efforts to increase the criminal justice system's awareness of the needs of crime victims. Our efforts are also directed toward the public, whose chances of becoming a crime victim increases daily. Efforts to address the needs of crime victims are varied and include such tasks as educational information and training, public relations, participation on committees representing victims, and legislation. We also provide training to criminal justice professionals, other professionals, and the public in areas that will improve our community's response to crime victims.

## **October 2002**

Staff members of ACVCC received training from the National Association of Crime Victim Compensation Boards annual conference in Denver, Colorado.

Stacey Olds, Crime Victim Specialist, is a member of the Montgomery Area Domestic Violence Task Force and meets to network with other agencies and advocates to identify issues faced by domestic violence victims and to improve services provided to crime victims.



## November 2002

Monica Jordan, Administrative Support Assistant III, provided training to more than 25 criminal justice students at Alabama State University. The students were interested in hearing about how the compensation process works and the criteria for applying for compensation. The students were very interested in the legislation that created the Alabama Crime Victims Compensation Commission. Their studies also focused on the effect of homicide on co-victims, especially children. Informational brochures and other literature was passed out among the students.

Doris Dease participated in the Victims of Crime and Leniency (VOCAL) Annual Fundraising Gala in Birmingham, Alabama.

## December 2002

Monica Jordan, Brenda Roberts, Colette Gray, Carole Broaden and Doris Dease played host to the Annual Christmas Party for Children who have had a parent or sibling to be murdered. The entire ACVCC staff participated in this special event from purchasing presents, wrapping the presents to playing Santa Claus for the children. Staff members also made angels for the Angel Memorial Tree to remember those who were murdered. ACVCC staff adopted a family at Christmas who was struggling to have a nice Christmas. Presents, food and cash were presented to the family.

## January 2003

Stacey Olds, Crime Victim Specialist, is a member of the Sexual Assault Task Force (SART) and meets with other agencies and advocates establishing services and improving on these services for sexual assault victims. She routinely provides training to Sexual Assault Nurse Examiners, emergency room and hospital staff on the subject of the special payments for rape exams through the Alabama Crime Victims Compensation Commission.

Doris Dease is a member of the VOCAL Angel House Counseling Center Advisory Board and meets with other members of the Board to discuss ways to improve and enhance the services provided to family survivors of homicide victims.

## February 2003

ACVCC staff members, who received the basic training to become Crises Response Team (CRT) member in 2002, received their advanced certification as CRT members.

In February, the National Victims Education Project selected Alabama as one of 12 states to conduct sessions with crime victims and providers. ACVCC staff consisting of Kim Ziglar, Monica Jordan and Doris Dease hosted the two-day project with the National Crime Victim Constitutional Amendment Program.

Doris Dease, Victim Service Officer, was named to the Alabama Sentencing Commission Advisory Board and meets with other agencies and members of the judiciary to promote change to the Alabama criminal code for improved methods for sentencing criminal defendants.

Tony Burks, Crime Victim Manager, provides training across the state to law enforcement academies on a quarterly basis to promote a better and clearer understanding of the ACVCC and claims process to law enforcement officers.



## **March 2003**

Martin Ramsay, ACVCC Executive Director, a co-sponsor and Board Member of the Alabama School of Alcohol and Drug Studies (ASADS) provided training during the weeklong course at the 2003 Conference in Tuscaloosa. Other staff members from ACVCC attended as well as provided training in the areas of sexual assault, domestic violence issues and substance abuse.

## **April 2003**

During the entire month of April ACVCC was involved with numerous projects and events to recognize National Victims Right Week. Some of the activities were:

Co-sponsor of the Annual Candlelight Vigil held at the Department of Public Safety, and the installation of crosses on the lawn to represent the victims of homicide during the previous year, and to bring attention to the plight of family survivors of homicide victims.

Doris Dease coordinated the ACVCC Victims Rights Week Reception held in honor of National Victims Rights Week. The ACVCC staff participated in this event.

Doris Dease traveled to Florence, Alabama to provide on-site training to the newly formed victim assistance division within the Florence Police Department.

Stacey Olds coordinated the "Wear Jeans To Work-Day" to improve sexual assault awareness, and volunteered at the "Art on the Avenue" Family Sunshine Center booth to talk with patrons about the services offered at the Family Sunshine Center to help abused women and children.

Marty Ramsay presented at the Annual Candlelight Vigil. Likewise, he co-sponsored and provided information at the Court Referral Officers Training. He also took part in the National recognition of the Take Back The Night Project, organized each year to honor crime victims of sexual assault.

## **May 2003**

Tony Burks provided training to the Jacksonville Police Academy to 48 officers about ACVCC and the resources available to crime victims.

Doris Dease provided training to 26 Birmingham Sheriff's Reserve Officers.

The ACVCC staff participated in the parole hearing for Jerry Lee Jones in support of the Shehane Family. Miriam Shehane, mother of slain Quenette Shehane, is a commissioner with ACVCC.

## **June 2003**

ACVCC staff attended 3 parole hearings for violent offenders with crime victims.

## **July 2003**

Colette Gray and Kathy Miller provided training at the Alabama Circuit Clerks Conference about ACVCC funding and the agency's goals in getting restitution ordered where appropriate.



## August 2003

Colette Gray and Kathy Miller provided training to the U.S. Attorneys and probation officers regarding the issue of funding and the use of federal fines and fees as well as the VOCA grant dollars available to assist with crime victims programs and payments.

ACVCC staff received training at the National Organization of Victim Assistance Conference in New Orleans.

The ACVCC staff participated in a parole hearing for Tyrone Jackson in support of the Roberts family. Brenda Roberts, mother of slain Alisa Roberts, is a Crime Victim Specialist at ACVCC.

## September 2003

ACVCC Executive Director, Martin Ramsay, coordinated a special memorial breakfast, along with the staff to remember the victims, their families and friends on the September 11, 2001 terrorist attacks.

Mr. Ramsay also participated in the National Crime Victims Compensation Association Boards Conference that was held in New Orleans. He also serves on numerous boards and associations relative to crime victim issues.

Colette Gray, Kathy Miller and Linda Powell met with numerous district attorney staff members to discuss specific cases where restitution and/or civil suit payments are delinquent and in arrears, and how the process of collections could be streamlined.

Doris Dease and Monica Jordan provided training to 47 police officers at the Jacksonville Police Academy about ACVCC and available resources.

Doris Dease, Monica Jordan and Stacey Olds provided training to the Alabama Coalition Against Domestic Violence about the claims process.

## Other Accomplishments

- Co-sponsored the Alabama School of Alcohol and other Drug Studies
- Provided training to the Juvenile Probation Officers Certification Program
- Provided training to Alabama Circuit and District Judges
- Served on committees of the Alabama Sentencing Commission
- Processed over 3,000 claims for crime victims and their families
- Maintained a 1-2 week time frame to process emergency awards
- Modified the new claims application to streamline and simplify the claims application
- Provided information and referrals to more than 1,500 callers
- Participated in the State Personnel/Payroll training
- Produced an Annual Calendar for law enforcement agencies with the ACVCC telephone number to be used as a referral guide
- Enhanced the IT Program within the agency

- Received federal grant funds to enhance the compensation program as well as stretch state funds for crime victims
- Mailed Christmas cards to remember crime victims during the holidays
- Mailed cards of encouragement to crime victims and families
- Attended court proceedings with victims
- Provided crises intervention and on site assistance as requested
- Received training through the State District Attorney's Association

## **Publications**

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

- Victims Rights and Responsibilities: The Alabama Constitutional Amendment
- Innocent Victims of Crime Can Now Get Help
- A Guide to Survival For Families of Homicide Victims
- After the Trial: The Correction Process
- A Guide to Understanding Restitution
- Numerous brochures on victim specific assistance

## **Books**

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





# CLAIMS PROCESS



## The Compensation Process

The Alabama Crime Victims Compensation (ACVCC) is dedicated to providing financial compensation to innocent victims of violent crime to the extent possible in a sensitive and timely manner. The Alabama law allows for administrative rules to be published, to ensure that each applicant is knowledgeable about the compensation process. The agency structure is as follows:

**The Administration's Role** and purpose is to oversee the day-to-day functioning of the agency, manage, legal, personnel and travel functions. Administration is composed of:

### Administration

The Executive Director (Director) reviews all claims prior to the Commission meeting and renders decisions on claims less than \$2,000. The Director is accountable for the efficiency of the commission.

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

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

**The Receptionist** establishes the first contact with a victim. This post distributes all mail, routes incoming telecommunications, as well as disseminates compensation applications and literature.

The **Claims Division** is responsible for processing incoming applications from victims and claimants requesting financial assistance with out-of-pocket losses due to their victimization. Administrative Support Assistants receive new claims, enter them into the system and do all preliminary work to establish the legitimacy of the claim.

The claim is then assigned to a Crime Victims Compensation Specialist for investigation. The Specialist determines eligibility based upon the law and the Administration Code. After contacting all parties associated with the claim (Victim/Claimant, Law Enforcement, Forensics, Court officials and others), the completed claim is presented to the Commission or Executive Director for decision.



There are two Claims Divisions comprising three areas of claims:

During the last fiscal year, the **Homicide** unit received 328 homicide claims. The homicide specialists are very aware that each of these claims represents a family devastated by tragedy. During the year, the homicide unit processed 366 claims. Each family is contacted personally. The ACVCC attempts to meet as many of the victims' needs as possible.

The **Domestic Violence and Sexual Assault** unit handles another area of specialization. Claims for the domestic violence cases are available through certified shelters and are limited to \$1000 for a victim's immediate out-of-pocket expenses. Additional expenses exceeding the \$1000 are applied for through the regular claim application if the victim meets criteria for both types of claims.

The ACVCC provides for the cost of medical examinations for the purpose of gathering evidence and treatment for prevention venereal disease in sexual abuse crimes and offenses. When medical personnel evaluate a sexual assault victim and a forensic evidence kit is collected, the bill for these services is forwarded to ACVCC for consideration of payment. This program began in 1995 to ensure sexual assault victims would not have to pay for the collection of forensic evidence. Additional expenses incurred by sexual assault victims can be applied for through the regular claim application.

**Regular claims** comprise all other claims that are related to victims of violent crime and make up the majority of crime-types. The majority of specialists in the agency investigate these claims.

The **Information Technology (IT) Services Division** of the ACVCC manages the technology used by the staff of the ACVCC in providing services to victims. The IT Division:

- performs as the agency's System Administrator, directing the daily activities of the Technical Services section.
- serves as the agency contact with outside vendors and other state agencies for issues involving technology.
- establishes hardware and software requirements of the agency and recommends product purchases to meet these needs.
- provides training, serves as the technical training contact, and provides technical assistance to agency staff as needed.
- serves as the Database Administrator which includes overseeing design, implementation, and mining of agency data to ensure proper production of documentation, correspondence, and statistics.
- performs as the agency's E-mail Postmaster and as the agency contact for the Unified State E-mail Service.



- staff performs as the agency's Help Desk and maintains all backup materials of the database and network.
- assists with data correction, validation, and integrity on the agency database, and maintains the agency web site.

**The Advocacy Unit** is to advocate on behalf of crime victims in obtaining needed services and resources; assist in providing resources for crime victims; advising and training local and state agencies on legislation and practices which impact crime victims. Personal contacts with victims are attempted in every instance. The unit also:

- makes referrals for victims to community resources for counseling and other assistance.
- contacts Victim Service Officers and involves victims in court process.
- accompany and support victims at trial and post-trial hearings if local VSO's or victim's group cannot provide support.
- develop and promulgate ACVCC Annual Report, victim-based brochures, training materials and serve as public information representatives for ACVCC.

The **Accounting Division** and the **Restitution unit** are responsible for:

- processing all monthly claims checks to victims, claimants, and service providers.
- revenue collection which consists of collection of city court traffic infraction and misdemeanor and/or violation of a municipal ordinance, and any felonies. In addition to city fines, county fines are also collected in misdemeanor, felonies, and victim assessment fees, as well as city and county restitution and civil suit litigation.
- manages accounts payable and receivables and prepares the agency budget as by the ACVCC law mandates. They prepare monthly financial reports and maintain agency inventory.

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 culmination, within the agency is beneficial to victims. The Alabama Crime Victims Compensation Commission is a free standing state agency, not affiliated with any other agency. Claims investigations, Accounting, Information Technology, Legal and Personnel, are solely functions of this office.

## How the Process Works

### How to Apply

A crime victim or their representative (claimant) can apply by completing an application. Anyone requesting information may call (334) 242-4007 or toll free in Alabama, at 1-800-541-9388 (victims only), or you may visit our WEBSITE at [www.acvcc.state.al.us](http://www.acvcc.state.al.us). Also, applications and brochures are generally available at district attorney's offices, sheriffs' offices, and police departments. The local district attorneys' offices have designated an employee, or has on staff a victim service officer (VSO), who is available to inform victims about compensation and who may be helpful in completing applications. Also, the staff at ACVCC is available to answer questions and give aid in completing the application.

### Who Can Apply

Any person who is an innocent victim of criminally injurious conduct and who has sustained personal injuries as a result, or a surviving spouse or child of a victim who died as a result of criminally injurious conduct, or a person authorized to act on behalf of a victim or a dependent, is eligible to make a claim.

### Eligibility Requirements

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

1. If the claim is filed with the Commission later than one year from the date of the crime, unless the Commission finds good cause.
2. If the victim of the claimant was the offender, or was an accomplice of the offender.
3. If the award would unjustly benefit the offender or accomplice of the offender.
4. If the crime was reported to law enforcement officer later than 72 hours after its occurrence, unless the Commission finds good cause.
5. If the Commission finds the victim or the claimant has not fully cooperated with law enforcement.
6. If the Commission finds the victim was responsible for the cause of the injury, or death.
7. If the Commission finds the victim or claimant was convicted of a felony.
8. If the victimization was a result of a property crime and not a violent crime with injury.



## What Compensation May Be Paid?

As of May 1998, the maximum award is \$15,000 with limitations on certain expenses. The award 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.
- Counseling expenses - including counselor, psychologist, or psychiatric fees for counseling, unless covered by another source. Limited to 50 sessions and payments limited to \$80 per hour for licensed professional counselors and social workers; \$100 per hour for psychologists; and \$125 per hour for psychiatrists.
- Funeral expenses - including funeral home expenses, cremation, burial expenses including monument. The total amount allowable for funeral costs is \$5,000. Expenses for flowers, clothing or limousines cannot be considered.
- Work Loss - including the victim or claimant's net (take-home) weekly pay for a reasonable length of absence from work. This does not include vacation pay, sick pay, or disability pay. There is a maximum of \$400 per week on work loss.
- Rehabilitation expenses - including vocational or physical therapy, if not covered by another agency.
- Property expenses - including only property taken as evidence by law enforcement which was soiled or damaged as the result of the violent crime. This does not include automobiles repair, insurance deductibles, appliances, or money. There is a maximum of \$1,000 on property expenses.
- Moving expenses - including security deposits, utility deposits, and the cost to move. It does not include rent payments. There is a maximum \$1,000 on moving. This is only considered in extreme circumstances when the victim is in imminent physical danger and when the offense occurred at home.
- Future economic loss - future or additional expenses of loss to the victim or victim's dependents. Must be justified with explanation of how losses were calculated. There is a maximum of \$5,000.
- Replacement services loss - expenses claimant would not have suffered had a victim lived. There is a maximum of \$900.

In 2003, due to budget constraints, the Commissioners enacted an emergency rule to pay thirty percent of total eligible charges on medical, psychiatric treatment and counseling services.

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

## **Supplemental Awards**

Provision is also made for payment of a supplemental award as additional bills arise. The victim or claimant need only submit the bills to the Commission as part of the original claim request. The Commission will review the supplemental request for eligibility. In cases where the compensation request for a supplemental award is \$1,000 or less, the executive director may rule on the eligibility of the claim.

## **Emergency Awards**

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

## **Special Awards for Domestic Violence Victims**

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

## **Special Awards for Sexual Assault Crimes**

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

## **What Happens After I Apply?**

When an application is received in the office of the Alabama Crime Victims Compensation Commission several steps are taken. The application is entered into the processing system, and given a number. This number remains constant throughout the processing time. An Administrative Support Assistant, who is assigned to receive claims by county, reviews the claim, and sends out letters informing the claimant of the process, and asks for additional information as needed. The claim is then put in line for investigation.



## Investigation

The investigation is to determine what happened to the victim, and if the case meets the eligibility criteria based on the ACVCC law and the ACVCC Rules and Regulations. Additionally, all bills for payment are verified with the medical/service provider for accuracy. Other investigations relating to the crime such as forensics evaluation; mental health evaluation; and other evaluations are performed as needed in order to make a recommendation for payment. The investigation also includes determining the criminal charges against the defendant, and if a trial has been held. This is done to determine if restitution, and/or other court ordered money is ordered by the Courts. When the investigation is finalized, a summary statement of the victimization is presented to the three-member Commission at the monthly meeting.

## The Commission Decides

The Commission holds open public meeting on the second Thursday of each month and other meetings at such times and places as its members may elect. From time to time, the commission must change the regularly scheduled meetings, and will publish these changes in the newspaper.

The Commissioners review the summary of facts, and render a decision based on the facts presented. In cases where the compensation request is \$2,000 or less, the executive director rules on the eligibility of the claim. If the request for compensation is approved, notices are sent to the victim or claimant informing them of the payment and to whom payment is made. Likewise, the same information is sent to the district attorney, the probation office, and the court clerk, so the judge may have this information at sentencing or restitution hearings.

## Appeals

If the request for compensation is denied, the claimant may request an appeal, and must do so in writing to the Commission within thirty (30) days of the notification of the denial. The Commission will then hear the case with an impartial hearing officer present for re-consideration of the request and render a decision. Following the final decision of the appeal, notices are then forwarded to the victim or claimant informing them of the Commission decision.

## The Commission Philosophy

Every claim that is received at ACVCC is reviewed in its individual capacity. The Commission is dedicated to provide assistance to the extent allowable under the law, and strives each day to make the claims process as speedy and as victim-friendly as possible.





<i>County</i>	<i>Claims Processed</i>	<i>Awards Approved</i>
Autauga	39	\$26,865.48
Baldwin	33	\$49,848.91
Barbour	14	\$31,043.08
Bessemer	40	\$103,077.03
Bibb	3	\$0.00
Blount	15	\$9,936.21
Bullock	4	\$13,809.00
Butler	6	\$13,636.26
Calhoun	34	\$99,098.82
Chambers	10	\$16,304.37
Cherokee	5	\$3,634.00
Chilton	9	\$3,900.78
Choctaw	7	\$8,826.95
Clarke	14	\$38,749.97
Clay	2	\$5,638.00
Cleburne	7	\$9,421.00
Coffee	17	\$7,281.94
Colbert	30	\$41,268.36
Conecuh	11	\$12,900.20
Coosa	2	\$1,053.11
Covington	17	\$53,572.89
Crenshaw	5	\$4,294.51
Cullman	54	\$60,732.03
Dale	20	\$23,316.49
Dallas	38	\$43,042.79
DeKalb	11	\$16,526.68
Elmore	28	\$28,549.98
Escambia	9	\$17,597.69
Etowah	43	\$42,052.85
Fayette	3	\$6,704.76
Franklin	9	\$16,492.44
Geneva	9	\$11,046.74
Greene	6	\$21,236.76
Hale	2	\$0.00
Henry	9	\$9,428.50
Houston	41	\$41,859.99
Jackson	14	\$23,042.12
Jefferson	580	\$820,017.96
Lamar	2	\$0.00

Claims Processed includes all claims received by the Commission between 10/01/2002 and 09/30/2003 regardless of decision rendered on said claim by the Commission.

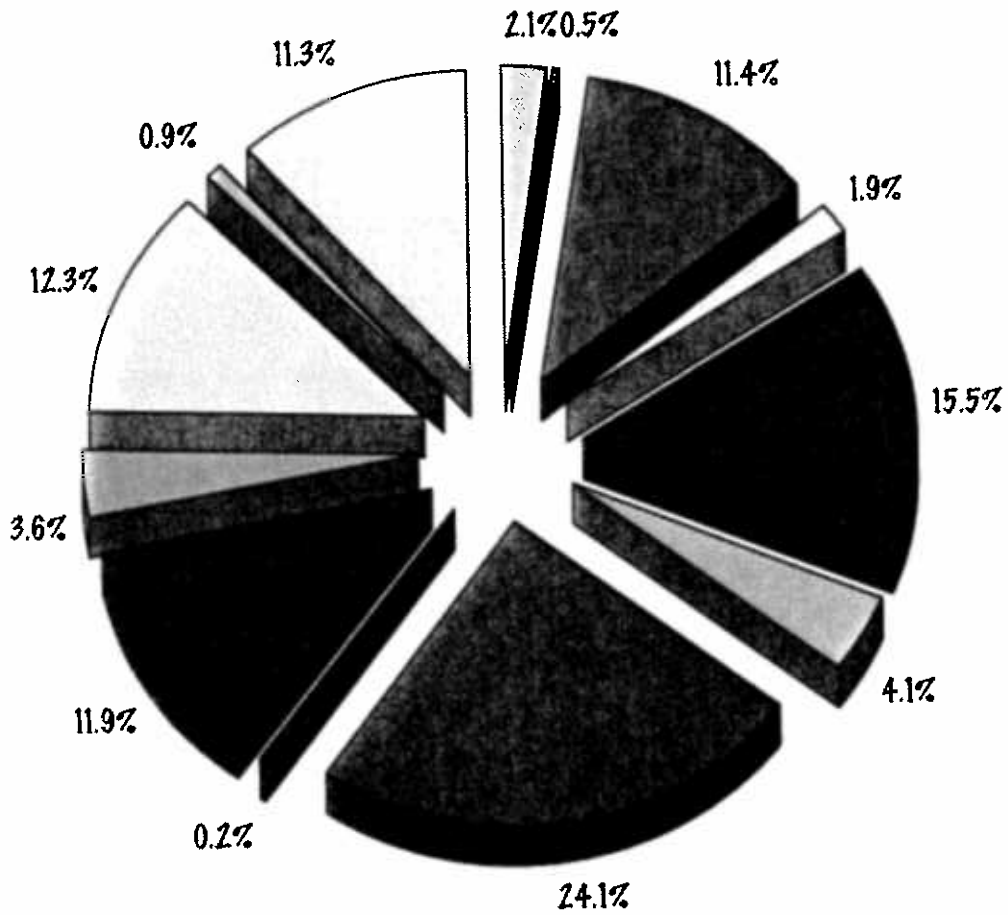
Awards Approved includes all amounts approved for payment by the Commission between 10/01/2002 and 09/30/2003. Amounts do not include refunds against disbursements or voids.



<i>County</i>	<i>Claims Processed</i>	<i>Awards Approved</i>
Lauderdale	17	\$14,588.90
Lawrence	17	\$45,622.29
Lee	56	\$72,500.50
Limestone	16	\$16,752.39
Lowndes	11	\$15,222.22
Macon	23	\$38,978.68
Madison	243	\$250,858.66
Marengo	11	\$9,035.02
Marion	11	\$8,406.29
Marshall	9	\$25,743.96
Mobile	295	\$431,100.69
Monroe	8	\$18,269.68
Montgomery	208	\$239,661.87
Morgan	34	\$70,988.79
Out-of-State	3	\$5,534.00
Perry	9	\$40,629.35
Pickens	1	\$138.14
Pike	11	\$17,229.89
Randolph	6	\$14,696.04
Russell	35	\$54,826.82
Shelby	50	\$52,647.27
St Clair	20	\$14,393.84
Sumter	7	\$8,107.50
Talladega	84	\$77,820.52
Tallapoosa	12	\$20,161.69
Tuscaloosa	67	\$193,042.34
Walker	40	\$49,651.26
Washington	7	\$34,217.04
Wilcox	11	\$18,143.16
Winston	9	\$3,212.86
Total	2593	\$3,597,990.31



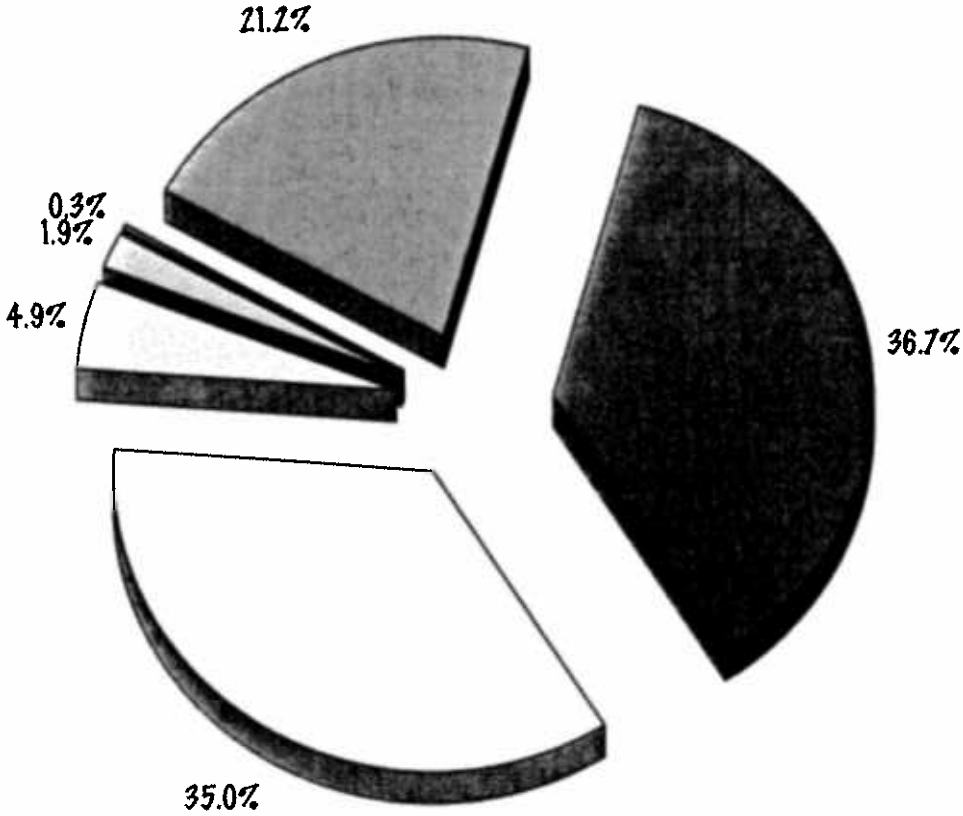
# Breakdown of Claims by Reasons for Non-Approval



- 1-Year Deadline/72-Hour Report Time
- Application Withdrawn
- Collateral Source
- Duplicate Claim
- Felony Exclusion
- Illegal Activity/Establishment
- Lack of Cooperation
- No Crime-Accident
- Non-Criminally Injurious Conduct
- Non-Economic Loss
- Other
- Benefit Offender
- Contribution

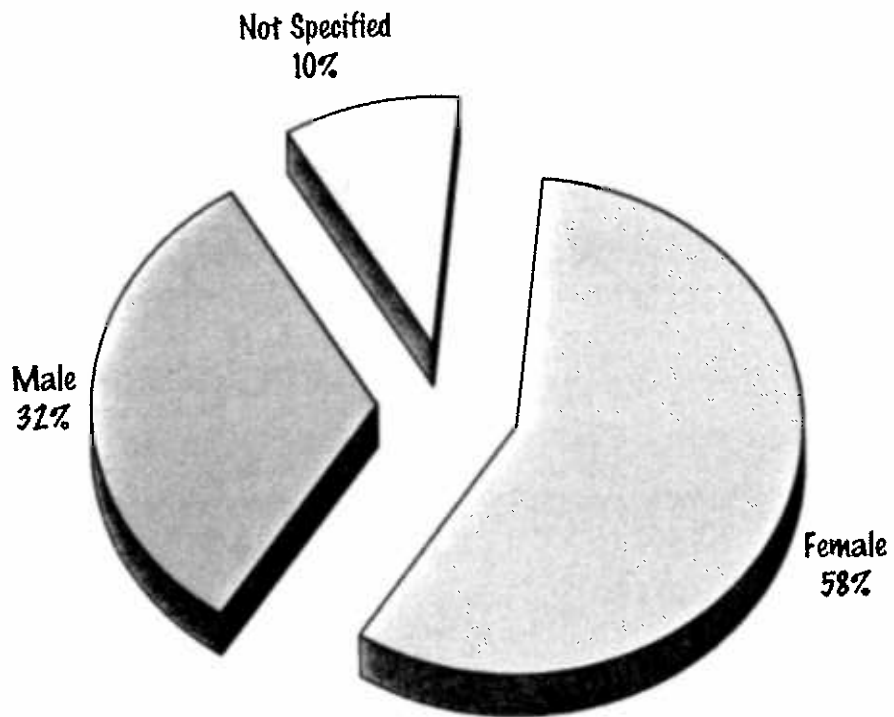


# Breakdown of Claims Received by Age

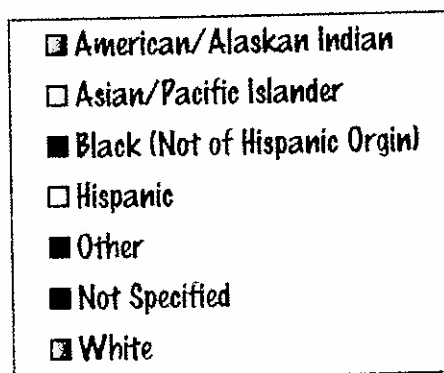
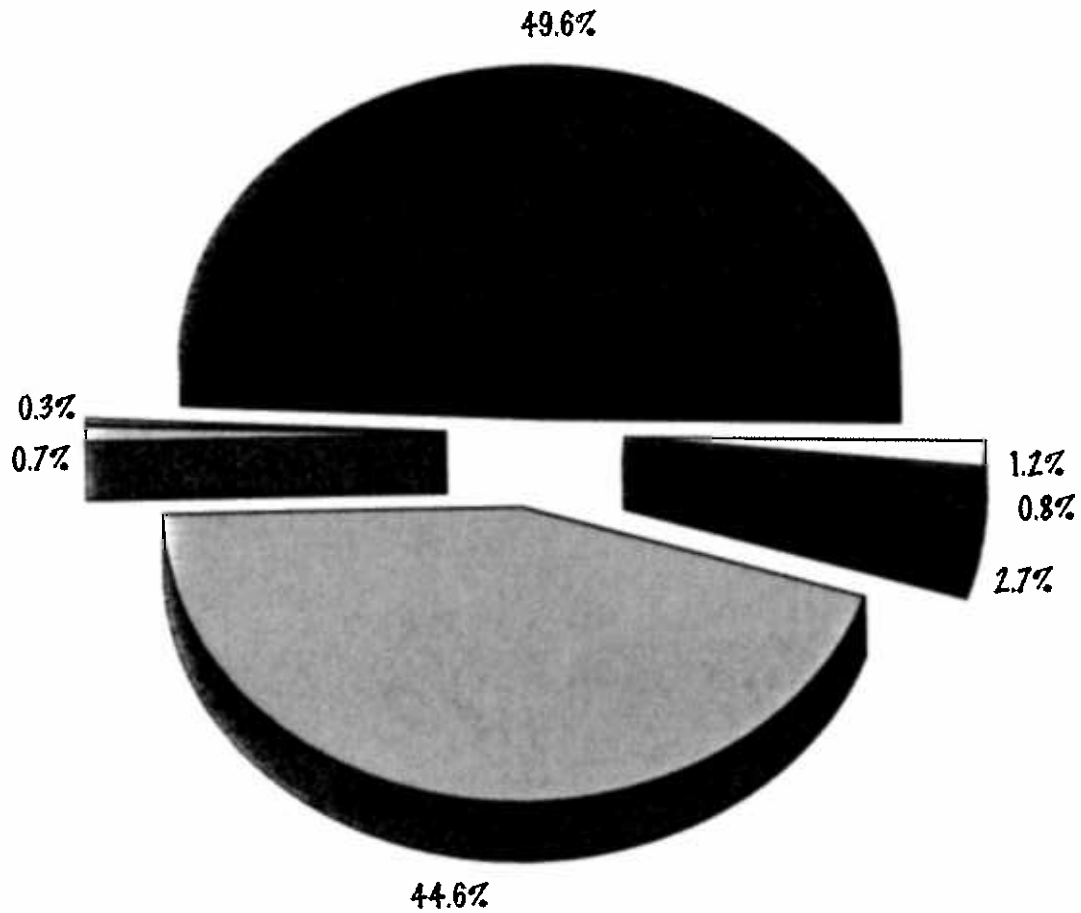


- 18 and under
- 19 to 30
- 31 to 50
- 51 to 64
- 65 and over
- Not specified

## ***Breakdown of Claims Received by Gender***



## *Breakdown of Claims Received by Ethnicity*





## Court Costs

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

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

Two dollars(\$2) is derived from each moving traffic infraction.

Ten dollars (\$10) is derived from each misdemeanor violation.

Fifteen dollars (\$15) is derived where the offense constitutes a felony.

Other funding sources for the agency comes from miscellaneous donations and federal grants. These sources are explained later in the report.

## Victim Assessment Fees

Prior to 1990, the special victim assessment fee was ordered on felonies and ranged from twenty-five dollars (\$25) to ten thousand dollars (\$10,000). This was amended in 1990 to add a victim assessment fee onto all misdemeanors.

Also amended in 1990 was the felony victim assessment which increased the minimum judges could order from \$25 to \$50 with the first \$25 going to ACVCC, and the second going to the Office of Prosecution Services and any amount over the minimum going to ACVCC. The victim assessment fees are mandatory but the judge does have discretion in the amount of the fee ordered. Judges are required to order the assessment on juvenile and youthful offender cases as well as adult cases.

## **Restitution and Civil Suit Reimbursements**

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

## **Donations**

The ACVCC Law allows for the acceptance of gifts and donations from other sources in order to implement the law under this section, although very few funds are derived through this provision. Instances where donations are received, is in honor or memory of a loved one who has died violently, or when a community, group or organization wishes to make donations to the fund for special events to increase public awareness of the plight of crime victims.

## **Federal Grant Funds**

The Victims of Crime Act (VOCA) was passed in 1984 by an act of the United States Congress. The U.S. Department of Justice mandated by VOCA, collects fines and fees from offenders convicted of federal violations. Each year these federal funds are made eligible to the states in the form of federal grants, and are available to each state. ACVCC makes application for reimbursements dollars in an amount not to exceed 40% of the total dollars received from the courts and paid to crime victims for services rendered to them.

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





**Statistical Data**  
**October 1, 2002 to September 30, 2003**

<b>Claims Received</b>		
Regular	1503	
Homicide	378	
Domestic Violence	227	
Sexual Assault Kit Payment	685	
<b>Total</b>		<b>2793</b>
<b>Claims Approved</b>		
Regular	669	
Homicide	258	
Domestic Violence	178	
Sexual Assault Kit Payment	676	
<b>Total</b>		<b>1785</b>
<b>Claims Not Approved</b>		
Regular	630	
Homicide	128	
Domestic Violence	34	
Sexual Assault Kit Payment	36	
<b>Total</b>		<b>828</b>
<b>Claims Processed</b>		<i>(Does not include claims the Commission Held for Trial/Information)</i>
Regular	1299	
Homicide	386	
Domestic Violence	206	
Sexual Assault Kit Payment	712	
<b>Total</b>		<b>2603</b>
<b>Emergency Awards Issued</b>		<b>121</b>
<b>Claims Pending at Fiscal Year-end</b>		<b>1147</b>

**AWARD AMOUNTS**

Emergency Awards	\$ 85,848.84
Initial Awards	
Regular	1,684,165.12
Homicide	1,040,128.00
Domestic Violence	157,195.21
Sexual Assaults	308,527.35
Supplemental Awards	
Regular	156,097.58
Homicide	73,129.51
Sexual Assaults	5,170.00
<b>Total Claims Paid</b>	<b>\$ 3,510,261.61</b>



## FINANCIAL SUMMARY

October 1, 2002 - September 30, 2003

### RECEIPTS

Total Court Fees - City	\$ 1,330,398.15
Total Court Fees - County	2,152,286.48
Federal VOCA Funds	1,465,297.09
Restitution	302,628.89
Civil Suits	33,266.98
Interest from Investment Holdings	321,547.99
Miscellaneous	179.34
<b>Total Receipts</b>	<b>\$ 5,605,604.92</b>

### DISBURSEMENTS

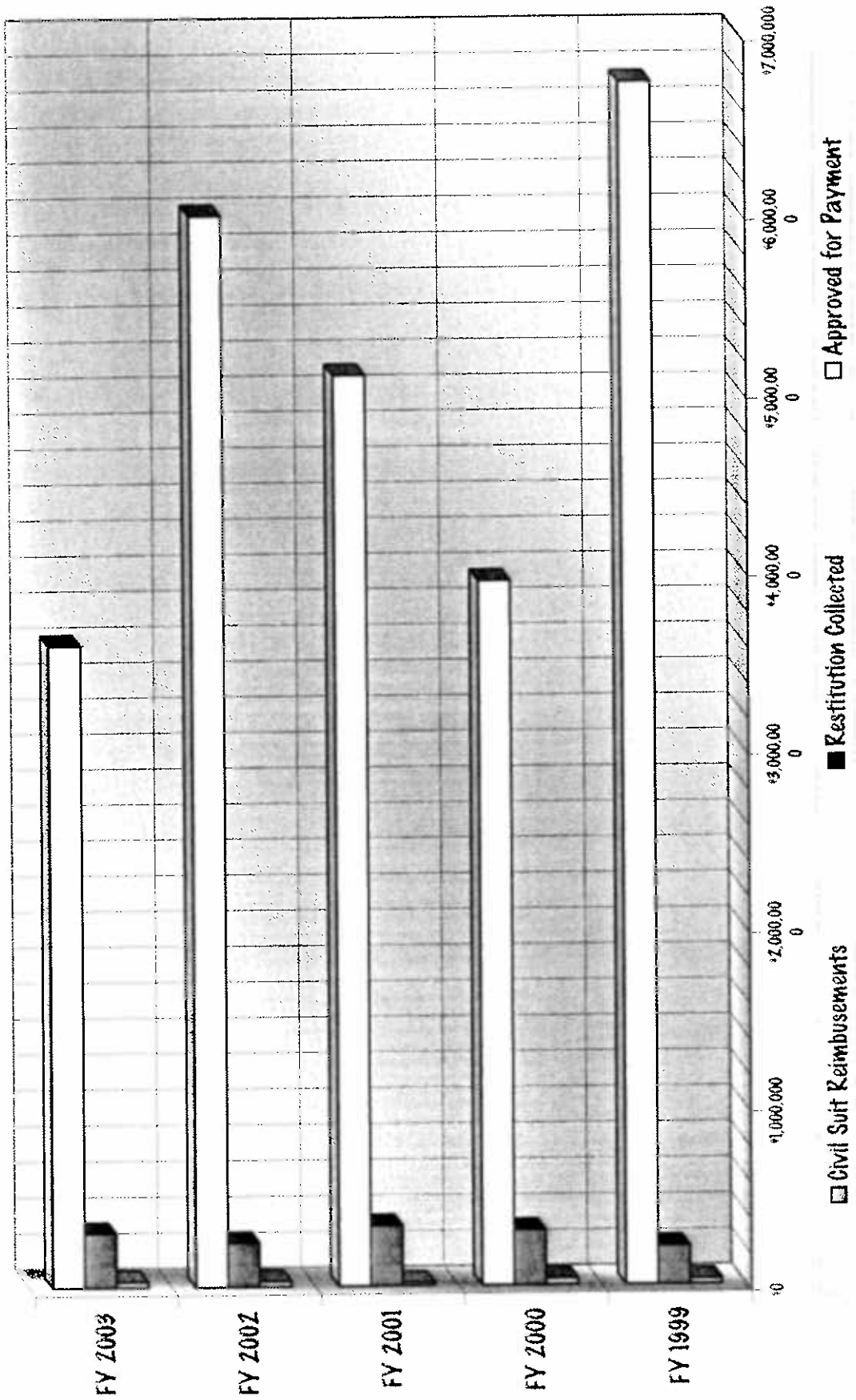
Awards Paid to Victims of Violent Crime	\$ 3,510,261.61
<b>Administrative Costs:</b>	
Personnel Costs	1,017,348.57
Employee Benefits	292,016.45
Travel (In-state & Out-state)	26,571.43
Repairs & Maintenance	615.00
Rentals & Leases	134,921.16
Utilities & Communication	87,640.73
Professional Services	30,984.64
Office Supplies	50,819.40
Transportation Costs	1,595.86
Office Equipment	400.00
Miscellaneous	26,413.04
<b>Total Administrative Costs</b>	<b>1,676,151.06</b>
Federal Expenditures	6,782.53
Bank Charges	19,752.96
Grants	29,812.50
<b>TOTAL DISBURSEMENTS</b>	<b>\$ 5,235,935.88</b>

### FUND BALANCE

Balance, October 1, 2002	5,598,480.83
Excess of Receipts over Disbursements	369,669.04
<b>Balance, September 30, 2003</b>	<b>\$ 5,968,149.87</b>



# Five Year Comparison



# Exhibit A

## Chapter 23 Alabama Crime Victims

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



**ARTICLE 1.**  
**CRIME VICTIMS' COMPENSATION.**

**§ 15-23-1. Short title.**

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

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

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

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

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

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

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

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

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

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

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

**§ 15-23-3. Definitions.**

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

(1) **COMMISSION.** The Alabama Crime Victims Compensation Commission as created by Section 15-23-4.

(2) **CRIMINALLY INJURIOUS CONDUCT.** Criminally injurious conduct includes any of the following acts:

a. An act occurring or attempted within the geographical boundaries of this state which results in serious personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed.

b. An act occurring or attempted outside the geographical boundaries of this state in another state of the United States of America which is punishable by fine, imprisonment, or death and which results in personal injury or death to a citizen of this state, and shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside of the United States, against a resident of this state; provided however, the citizen at the time such act was committed had a permanent place of residence within the geographical boundaries of this state, and in addition thereto, any of the following circumstances apply, that the citizen:

1. Had a permanent place of employment located within the geographical boundaries of this state.

2. Was a member of the regular armed forces of the United States of America; or the United States Coast Guard; or was a full-time member of the Alabama National Guard, Alabama Air National Guard, U.S. Army Reserve, U.S. Naval Reserve, U.S. Air Force Reserve.

3. Was retired and receiving Social Security or other retirement income.

4. Was 60 years of age or older.

5. Was temporarily in another state of the United States of America for the purpose of receiving medical treatment.

6. Was temporarily in another state of the United States of America for the purpose of performing employment-related duties required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits.

7. Was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an express condition of employment or employee benefits.

8. Was a full-time student at an academic institution, college, or university located in another state of the United States of America.



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

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

Title 18, United States Code, committed outside of the United States, against a resident of this state "preceding"; provided", substituted "the citizen" for "such citizen" and inserted "any of the following circumstances apply, that the citizen:" following "thereto", in paragraph c. deleted the paragraph c. designator and in said undesignated paragraph substituted "the time a



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

#### § 15-23-5. Alabama Crime Victims Compensation Commission—Powers and duties.

The commission shall have all the powers and privileges of a corporation and all of its business shall be transacted in the name of the commission. In addition to any other powers and duties specified elsewhere in this article, the commission shall have the power to:

- (1) Regulate its own procedures except as otherwise provided in this chapter.
- (2) Define any term not defined in this article.
- (3) Prescribe forms necessary to carry out the purposes of this article.
- (4) Obtain access to investigative reports made by law enforcement officers or law enforcement agencies which may be necessary to assist the commission in making a determination of eligibility for compensation under this article; provided however, the reports and the information contained herein, when received by the commission, shall be confidential and under no circumstances shall the commission disclose the same except to a grand jury.
- (5) Take judicial notice of general, technical, and scientific facts within their specialized knowledge.
- (6) Publicize the availability of compensation and information regarding the filing of claims therefor.
- (7) Collect all moneys provided by this article to be collected by the commission.
- (8) Provide for and maintain all necessary administrative facilities and personnel.
- (9) Provide for payment of all administrative salaries, fees, and expenses.
- (10) Cause its moneys to be invested and its investments sold or exchanged and the proceeds and income collected.
- (11) Determine who is a victim or dependent.
- (12) Pass upon all applications for compensation or other benefits provided for in this article.
- (13) Authorize executive director to pass upon all supplemental applications for compensation in an amount not to exceed one thousand dollars (\$1,000) and to pass upon all original applications for claims in an amount not to exceed two thousand dollars (\$2,000).
- (14) Adopt rules and regulations as may be necessary or desirable to expedite the administration of the affairs of the commission not inconsistent with this article.
- (15) Provide descriptive literature respecting the commission and its duties.
- (16) Pay all compensation or other benefits that may be determined to be due under this article and under the rules and regulations of the commission.
- (17) Employ such agents, attorneys, actuaries, and other specialized personnel as shall be necessary or desirable to enable the commission to carry on its functions in a proper and sound manner.
- (18) Receive by gift, grant, devise, or bequest any moneys or properties of any nature or description.
- (19) Accept and administer loans, grants, and donations from the federal government, its agencies, and all other sources, public and private, for carrying out any of its functions.
- (20) Develop a comprehensive analysis of the problems regarding victims of crime within the criminal justice system or systems of this state and formulate model programs, plans, or methods for lessening the physical, mental, or financial burdens placed on innocent crime victims by the operation of the criminal justice system both on the state and local level.
- (21) Identify laws, rules, or regulations proposed or adopted by any agency or institution of this state or any political subdivision thereof which have or will have a significant adverse or beneficial impact upon crime victims and to advocate the adoption, repeal, or modification thereof in the interest of innocent victims of crime.
- (22) Collect, develop, and maintain statistical information, records, and reports as the commission may determine relevant or necessary to carry out its powers, duties, or functions pursuant to this article. All agencies and institutions of this state or the political subdivisions thereof shall, upon a written request by the commission, furnish to the commission statistical information or data as the commission shall deem necessary to fulfill its duties and responsibilities.
- (23) Award loans or grants of money, equipment, or personnel to public or private nonprofit corporations or associations, agencies of the State of Alabama or political subdivisions thereof, or to state, county, or municipal law enforcement, prosecutorial or judicial agencies upon terms and conditions as the commission may deem proper for the purpose of developing, enhancing, or establishing bona fide model crime victims service programs which emphasize the collection of restitution from criminals as an integral part of the criminal justice process, but the loans or grants shall only be awarded when sufficient funds are available in excess of reasonably anticipated or projected claims for compensation.





(24) Provide, for the cost of medical examinations for the purpose of gathering evidence and treatment for preventing venereal disease in sexual abuse crimes and offenses.

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

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

The 1995 amendment, effective July 27, 1995, deleted “the provisions of” preceding “this article” throughout the section; substituted “but” for “provided, however” in subdivision (23);

added subdivision (24); and made nonsubstantive changes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(b) If the mental, physical or emotional condition of a claimant is material to a claim, the commission upon physical examination may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the commission a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions.

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

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

(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.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(b) In the event the claimant recovers compensation, other than under the provisions of this article, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee for the commission, so much of the recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Fund to the extent that compensation was awarded to the claimant from that fund. The funds retained in trust shall be promptly paid over to the commission and deposited in the Alabama Crime Victims Compensation Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The 1998 amendment, effective May 1, 1998, in subsection (a) substituted "four hundred (\$400)" for "\$200.00"; in

subsection (b) substituted "fifteen thousand dollars (\$15,000)" for "\$10,000.00"; in subsection (c), in subdivision (2)



substituted "five thousand dollars (\$5,000)" for "\$3,000.00"; in subsection (f) inserted "any of the following assignments" following "except", in subdivision (1) substituted "support; or" for "support.", in subdivision (2) inserted "an" preceding "allowable"; and made nonsubstantive changes.

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

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

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

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

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

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

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

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

(b) In addition to the imposition of any other costs, penalties, or fines imposed pursuant to law, any person convicted or pleading guilty to a felony or a misdemeanor or a violation for which the person is adjudicated a juvenile delinquent, or a youthful offender, shall be ordered to pay a victim compensation assessment of not less than fifty dollars (\$50), nor more than ten thousand dollars (\$10,000), for each felony for which the person convicted or adjudicated and



not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00), for each misdemeanor or violation for which the person was convicted, adjudicated, or otherwise disposed of when the court orders that costs be paid. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. Any person adjudicated a juvenile delinquent shall be ordered to pay a victim compensation assessment of not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000), for each adjudication, regardless of the underlying charge, but the assessment or penalty authorized by this subsection shall not be assessed or collected for any conservation, forestry, or water safety offense, nor any traffic offense, except those that are punishable as a felony offense or involve the operation or actual physical control of any vehicle while intoxicated or under the influence of drugs, or reckless driving. If a court fails to specifically impose an assessment required by this section, the clerk of court shall automatically assess a victim compensation assessment in the minimum amount provided herein. The additional assessment or penalty shall be collected by the clerk of court insuring that the first twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor shall be promptly paid over to the commission. The second twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor assessment shall be promptly paid to the Office of Prosecution Services. Any victim assessment fees ordered above the minimum shall be paid to the commission fund.

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

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

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

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

Authorization to impose both fine and assessment. — The

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

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

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

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

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

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

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

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

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

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



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

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

(b) A “potential conflicting interest” exists, but is not limited to, when the member, agent or employee of the commission is a director, president, general manager or similar executive officer, or owns directly or indirectly a substantial portion of any nongovernmental entity participating in the transaction.

(c) Public disclosure shall mean a public announcement and written notification to the Attorney General.

(d) Failing to disclose a conflict of interest is a Class C felony. (Acts 1984, No. 84-658, p. 1308, § 19.)

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

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

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

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

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

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

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

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

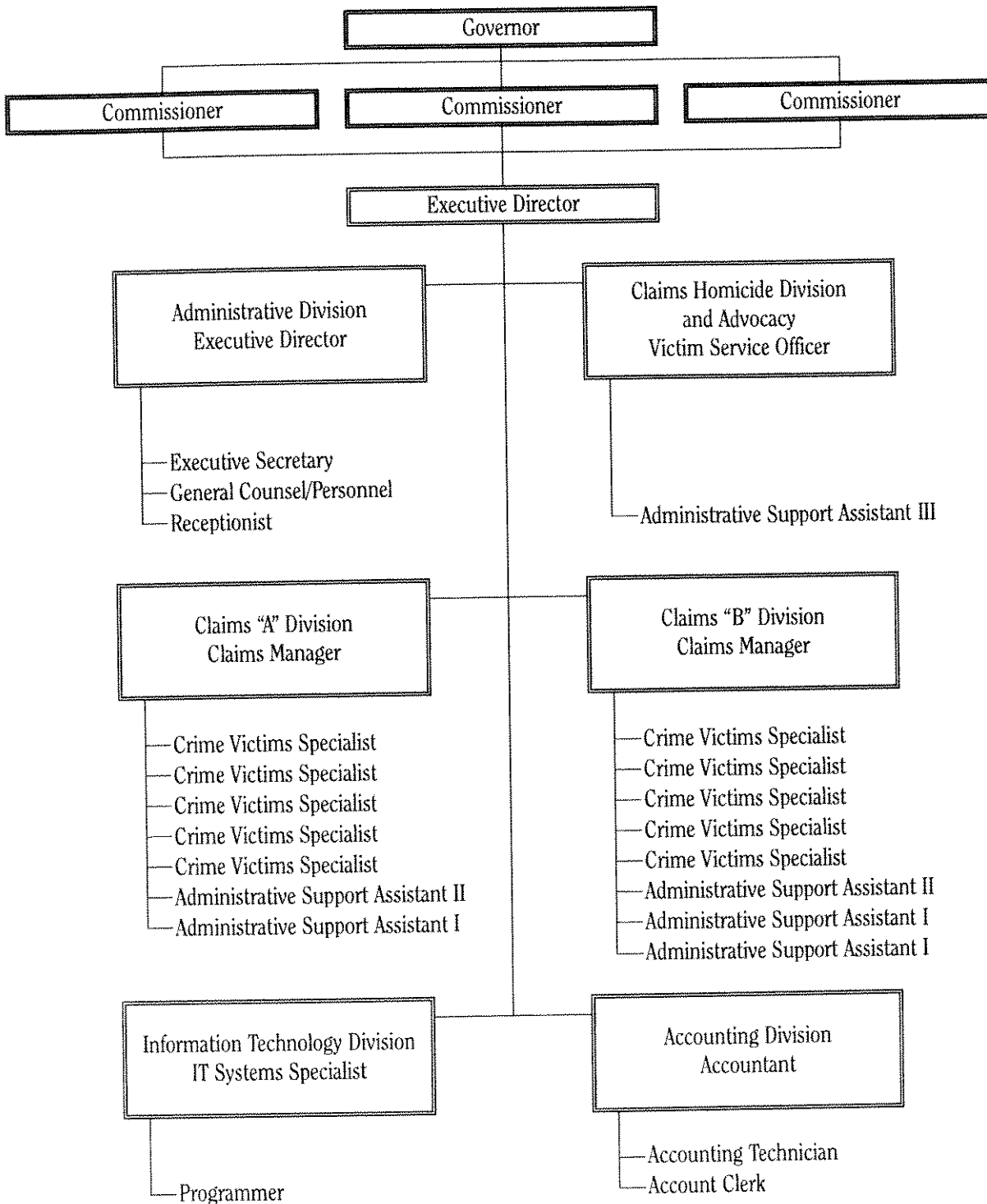
**§ 15-23-23. Certain persons deemed ineligible for compensation.**

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



# Exhibit B

## Organizational Chart



# Exhibit C

One violent crime every **22** seconds  
One murder every **34** minutes  
One robbery every **1** minute  
One aggravated assault every **34** seconds  
One larceny-theft every **5** seconds  
One burglary every **15** seconds  
One motor vehicle theft every **27** seconds<sup>1</sup>  
One woman is raped and/or physically assaulted by an intimate every **3** minutes<sup>2</sup>  
Approximately one person is injured in an alcohol-related traffic crash **EVERY** minute<sup>3</sup>  
6 children are reported abused and neglected in America **EVERY** minute<sup>4</sup>  
Approximately 1.7 employees are murdered in the workplace **EACH** day<sup>5</sup>  
Every hour **84** stalking cases are reported to Law Enforcement<sup>6</sup>

<sup>1</sup> Federal Bureau of Investigation, Crime in the United States, 1999, 2000.

<sup>2</sup> Based on National Institute of Justice and Centers for Disease Control and Prevention data.

<sup>3</sup> Based on Madhivocate, 2000.

<sup>4</sup> Based on Prevent Child Abuse America data, 1999.

<sup>5</sup> Based on National Census of Fatal Occupational Injuries, 1999 data.

<sup>6</sup> Based on National Institute of Justice and Centers for Disease Control and Prevention data.



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