

The Alabama Crime Victims' Compensation Commission



Annual Report
October 1, 2008 to September 30, 2009

Lending a Helping Hand to Alabama's Victims of Violent Crime for 25 years

The introduction to the contents of this Annual Report will differ from previous ones. This prologue will introduce you to the personal story of one of the Commission's Members, Commissioner Barbara Brown.

In June of 1993, 19-year old Brandon Brown was home in Selma, Alabama from Huntsville, Alabama where he attended Alabama Agricultural and Mechanical University (Alabama A & M University). His parents weren't disturbed because the light that was left on for him was off. Little did they know that the bulb had blown, and Brandon had not made his way home to turn the light out. Some time between 4:00 a.m. and 5:00 a.m. two Selma Police Officers knocked on the door. Commissioner Brown replayed the incident many times, and it was obvious that she had been transported back to that awful morning in 1993 as she sat in my office recounting it yet again. She heard her husband, Mr. Brown, say "Oh my God!" followed quickly by her youngest child, Holly's scream-"Brandon is dead." While Commissioner Brown couldn't trust her ears, she knew that as much as her senses were fighting the truth, something terrible had happened. "Dead?" "Was it a car accident?" she heard herself ask. In a solemn voice, one of the officers told her that Brandon had been murdered, "He was shot in the head in his vehicle." After that day for a very long time, life itself was a blur. Life as the Browns knew it ended on June 30, 1993. Every aspect of their lives changed.

"Brandon was a fantastic person. He was in college and the last person anyone would have thought would be murdered. He was a good guy" Commissioner Brown said. How and why could such an awful thing happen to him? After all of the whats, whens, whys and hows, came the million dollar question- "Who killed him?" While several persons of interest were interrogated, unfortunately, no one has been arrested for Brandon Brown's murder.

He was good and sweet. His father, mother, sister and older brother would never forget him.

Fifteen months later on September 4, 1994, Horace Brown, Jr., Brandon's older brother, set out walking to work. He had car trouble, but was adamant about getting to work on time. It was early in the morning around 5:00 a.m. when Horace, Jr. encountered several young men in the park. No one actually said what happened, but Horace Jr. was shot in the head and killed near a vehicle that one of the young men in the park reportedly stole from the Birmingham Airport.

The Browns were still trying to cope with the loss of their son Brandon, when Commissioner Brown's two sisters-in-law visited her in Birmingham at her mother's home. They seemed solemn, and the Browns understood once they realized that lightning struck their family twice. After one of the sisters-in-law levied the news, Commissioner Brown no longer able to contain her grief, ran from the house screaming.

Like Brandon's murder, several people were interrogated, and a 15 year-old male was arrested and let go, but no one was held accountable for Horace Jr.'s murder.

Commissioner Brown eagerly responds to glances and questions about the large round button she wears close to her heart. She tells onlookers that the two handsome young men, one in his high school cap and gown and the other in his United States Army dress uniform are her sons. She tells them that they were both murdered 15-months apart and that she and her family misses them. She tells them the person(s) responsible has (ve) not paid for their deaths. Someone should be made to pay for the loss she and her family continue to feel. While she is thankful to God for each day, the world has changed for her. It wouldn't bring them back, but it would help her family if someone were held accountable, if someone paid for the irrevocable wrong they visited upon her family, if the persons who took innocent unfulfilled lives could understand the stress, anguish, grief, despair, emptiness, and the vicissitudes of their very being, they would only know a fraction of the loss. As her two sons were a mixture of her DNA, so has the inconsolable grief become part of her.

If anyone has information on the senseless murders of Brandon Brown in 1993 and/or Horace Brown, Jr. in 1994, please come forward. You may call the Selma Police Department at 334-874-2138 or the Birmingham Police Department at 205-254-2000 respectively.



ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

P.O.Box 231267
Montgomery, AL 36123-1267



Cassie T. Jones, Ed.D.
EXECUTIVE DIRECTOR

COMMISSIONERS
Barbara Brown
Sheriff Jay Jones
Miriam Shehane

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

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

Dear Governor Riley, Ladies and Gentlemen:

On behalf of the Commissioners of the Alabama Crime Victims' Compensation Commission (Commission) and dedicated staff, it is my honor to submit the Annual Report of the Commission for the period October 1, 2008 through September 30, 2009. This report outlines those areas under the auspices of the Commission, as well as activities the Commission has endeavored to present and sustain each year.

For the aforementioned period, \$2,726,308 were provided to victims of violent crimes for financial losses they incurred as a result of victimization. Since the Commission's inception in 1984, \$81,929,409 have been provided to assist victims of crime.

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

Thank you for supporting the Commission.

Sincerely,

Cassie T. Jones, Ed.D.
Executive Director

CTJ/kz

Reach for our helping hand.

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

www.acvcc.alabama.gov

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

Creation of the Commission

In its wisdom, the Alabama Legislature passed the Alabama Crime Victims' Compensation Commission Act June 1, 1984, becoming the 40th state to pass a law to compensate victims of violent crime. . The year 2009 marked 25 years of assistance being available to Alabama's innocent victims of violent crimes. The ACVCC provides the only substantial financial compensation to victims for expenses due to personal injuries. This includes medical expenses, funeral expenses, counseling expenses, lost wages, moving expenses, prescription expenses, and emergency funds. All applicants must meet eligibility criteria before compensation may be awarded. Alabama has a unique program that incorporates the best of many other states' programs, as well as some original ideas of its own

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

Amendments to the Compensation Law

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

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

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

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

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

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

Commission Publications

In addition to compensation, the Commission publishes numerous brochures about victims' rights and issues. Crime-specific brochures about victim assistance are also available. Publications may be obtained by contacting the Commission office or attending Commission training events. The Commission does not charge a fee for its publications. Some available titles are:

[The Trial Process: Your Rights and Responsibilities as a Victim](#)
[Innocent Victims of Crime Can Now Get Help](#)
[A Guide to Survival For Family and Friends of Homicide Victims](#)
[After the Trial: The Corrections Process](#)
[How Victims of Crime Can Receive Restitution for Losses](#)

The Commission also publishes the book, [What's Left After Crime, HOPE \(Revised 2009\)](#).

"we can all do something, and should never stop trying to make a difference for crime victims"

- Commissioner Barbara Brown



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

Court Costs

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

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

Victim Assessment Fees

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

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

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

Subrogation

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

Restitution

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

Federal Grant

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

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

Donations

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



First Place winner in the ACVCC 25th Anniversary School Art Contest; Kindergarten—Third Grade; Joseph



How to Apply

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

Eligibility

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

Compensation May Include

Currently, the maximum compensation is \$15,000 with limitations on certain expenses. The compensation may cover the following:

- Medical care—including doctor and hospital care, dental expenses, prescriptions, medical supplies, inpatient psychiatric care, etc. This does not include expenses covered by insurance. Medical expenses are reimbursed at a reduced rate.
- Counseling—including counselor, psychologist or psychiatric fees for counseling, unless covered by another source. There is a maximum of fifty sessions or \$6,250, however, up to \$8,000 may be available for exigent circumstances. Payments are limited to \$80 per hour for licensed professional counselors and social workers; \$100 per hour for psychologists; and \$125 per hour for psychiatrists. The rate for group therapy is \$60 per hour.
- Funeral expenses—including funeral home expenses, cremation, burial expenses, and monument up to \$5,000 combined. Expenses for flowers, clothing, or limousines are not eligible for reimbursement.
- Work Loss—including the victim, claimant, or immediate family member's net (take-home) weekly pay for a reasonable length of absence from work. There is a maximum of \$400 per week for work loss, annual leave, sick leave, personal leave or holiday, up to \$10,400 for twenty-six weeks may be considered.
- Rehabilitation—including vocational or physical therapy, if not covered by another source.
- Property—only property taken as evidence by law enforcement or damaged as the result of the violent crime is eligible. This does not include automobile repairs, insurance deductibles, appliances, or money. A maximum of \$1,000 may be awarded for eligible property expenses, with clothing limited to a \$500 maximum.
- Moving—up to \$1,000 total for security deposits, utility deposits, or moving costs may be available in extreme circumstances when the victim is in imminent physical danger and the offense occurred at the victim's home.

- Future economic loss—future expenses or losses to the victim or victim's dependents resulting from the victimization. Losses must be justified with an explanation of how losses were calculated and are limited to \$5,000 total.
- Replacement services loss—expenses the claimant would not have suffered had the victim lived up to a maximum of \$1,500.
- Travel—expense incurred to obtain out-of-town medical or psychiatric care, to attend court proceedings related to the victimization, or attend the victim's funeral. Compensation is based on current State of Alabama, in-state travel guidelines.

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

Supplemental Compensation

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

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

Emergency Compensation

Provision is made for disbursement of emergency compensation, up to \$1,000, in cases where urgent need is substantiated and critical services cannot be obtained without payment.

Domestic Violence Emergency Compensation

Provision is made to meet the urgent needs of victims of family violence seeking to establish independent living through certified DV shelters. Emergency compensation up to \$1,000 is available under certain conditions as established in the Commission's administrative code.

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

Sexual Assault Exams

In July of 1995, Alabama law was amended to allow medical providers to submit bills for the charges of medical examinations for the purpose of gathering evidence and treatment for preventing venereal disease in sexual assault crimes. When medical personnel evaluate a sexual assault victim, a forensic evidence kit is collected. The bill for these services is then submitted to the Commission for payment consideration. This provision ensures sexual assault victims do not have to pay for the collection of forensic evidence.

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



Application Received

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

Verification

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

Commission Meetings

The Commission holds an open, public meeting, at its office, on the second Thursday of each month. Other meetings may be held at such times and places as its members elect. From time to time, the Commission must change the regularly scheduled meetings. Any change of time or place is published in the newspaper and on the Alabama Secretary of State's website.

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

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

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

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

Ineligible Claims

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

- If the claim is filed with the Commission later than one year from the date of the crime, unless the Commission finds good cause as to why the claim was not filed within one year.
- If the victim or the claimant was the offender, or was an accomplice of the offender.
- If the award would unjustly benefit the offender or accomplice of the offender.
- If the crime was reported to law enforcement later than seventy-two hours after its occurrence, unless the Commission finds good cause as to why the crime was not reported to law enforcement within seventy-two hours.
- If the Commission finds that the victim or the claimant has not fully cooperated with law enforcement, the courts, the prosecutor's office, and/or the Commission.
- If the Commission finds that the victim was responsible in whole or part for the cause of the injury or death.
- If the Commission finds that the victim or claimant was convicted of a felony or criminally injurious conduct after making application for compensation.
- If the victimization was a result of a property crime and not a violent crime with injury.
- If the victim was engaged in illegal activity or was in an illegal place of business at the time of the incident.

Appeal

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

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

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

Every claim received by the Commission is reviewed on an individual basis. No two claims are alike and each claim deserves individualized attention and review. The Commission is dedicated to providing compassionate assistance in compliance with all relevant laws and the Commission's administrative code. Each Commissioner, the Executive Director, and every Commission employee strives to make the claims process as speedy and as victim-friendly as possible.





Barbara Brown was appointed to the Commission as the crime victim representative in November 1996, by Governor Fob James. She was re-appointed in 2001, by Governor Don Siegelman, and in 2004 and 2009, by Governor Bob Riley. Mrs. Brown earned a Bachelor of Arts in Sociology from Miles College and a Master's of Science in Guidance and Counseling from Troy State University. She attended Tuskegee Institute, majoring in Biology. Mrs. Brown held professional positions such as Social Worker, Counselor, and Administrator in Cleveland, Ohio. In Selma, Alabama, she served as a Social Worker for the Department of Pensions and Security and Program Director for the Center for Mental Health/Mental Retardation. Mrs. Brown, affiliated with several civic and professional organizations, is recipient of many honors for her service to the community. Mrs. Brown is the mother of two murdered sons, Brandon, age 19 and Horace Jr., age 28. Although no arrests have been made in either of these 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. Barbara Brown and her husband, Horace, have one daughter, a son-in-law, three grandsons, and reside in Selma, Alabama.

Jay Jones was appointed to the Commission in October of 2007, by Governor Bob Riley, to serve as the law enforcement representative. He was elected Sheriff of Lee County in 1998, and was re-elected in 2002, and 2006. He began his thirty-two years of service with the Lee County Sheriff's Office as a jail officer and communications operator. He has held positions of increasing responsibility and progressed from patrol deputy, patrol supervisor, investigator, and chief investigator. Sheriff Jones holds a Bachelor of Science in Law Enforcement from Auburn University and a Master's of Science in Criminal Justice Administration from Troy State University. He has taken graduate level studies at Northwestern University and University of Virginia. Sheriff Jones, an honors graduate of the Alabama Police Academy, attended the Federal Bureau of Investigation National Academy's 146th Session in 1986. Sheriff Jones is active in civic and community organizations. He teaches Criminal Justice courses for Auburn University and Southern Union Community College. He and his wife, Judy, reside in Auburn, are the parents of four, and are proud grandparents of three.



Miriam Shehane was appointed to the original Commission in 1984 by Governor George Wallace and was re-appointed by Governor Guy Hunt in 1988. She was re-appointed in July 1993 by Governor Jim Folsom, July 1998, by Governor Fob James, July 2001, by Gov. Siegelman, and in July 2006, by Governor Bob Riley. 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 is 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, seven grandchildren, and reside in Clio, Alabama.



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

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

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

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



First Place winner in the ACVCC 25th Anniversary School Art Contest; Third-Sixth Grade; Chanhyeong



Administrative Division

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

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

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

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

The Restitution Recovery Unit is charged with seeking ways to improve the collection of restitution, subrogation monies, and court ordered fees. The section consists of two Crime Victims Compensation Specialists with Restitution Recovery Officer designations. The role of the Restitution Recovery Officer is to:

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

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

Accounting Division

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

- Disbursement of checks to victims, claimants, and service providers.
- Managing accounts payable and receivable.
- Preparing the agency budget for the Commission.
- Preparing monthly financial reports for the Commission.

- Maintaining the agency property inventory.
- Receipt and deposit of fines collected by municipal or circuit courts, restitution monies, and subrogation monies.
- Management of federal grant.
- Maintaining the agency supplies and consumables.

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

Information Technology Division

The Information Technology Division of the Commission manages the technology used by the staff of the ACVCC in providing services to victims. There are two staff in the IT Division; the IT System Specialist and a Programmer. Among this division's duties are:

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

Claims Division

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

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



FINANCIAL SUMMARY

OCTOBER 01, 2008 TO SEPTEMBER 30, 2009

RECEIPTS

Court Fees - City	1,608,408.58
Court Fees - County	1,426,897.80
Victim Assessment Fees	1,190,872.22
Federal VOCA Funds	738,560.20
Restitution	238,703.99
Civil Suits	29,828.39
Interest from Investment Holdings	17,637.02
General Fund Transfer - Appropriated	90,000.00
Donations & Gifts	200.00
Miscellaneous	14.43

TOTAL 5,341,122.63

DISBURSEMENTS

Awards Paid to Victims of Violent Crime	2,726,308.45
Prior Year Expenditures	30,575.83
Federal Expenditures	0.00
Bank Charges	306.43

Administrative Costs

Personnel Costs	1,194,351.80
Employee Benefits	448,365.89
Travel (In-state & out-state)	3,363.08
Repairs & Maintenance	139,536.85
Rentals & Leases	11,400.20
Utilities & Communication	58,619.88
Professional Services	56,326.96
Office Supplies	41,519.36
Transportation Costs	3,204.30
Grants and Benefits	90,000.00
Capital Outlay	108,728.17
Office Equipment	4,646.00

Total Administrative Costs 2,160,062.49

TOTAL 4,917,253.20

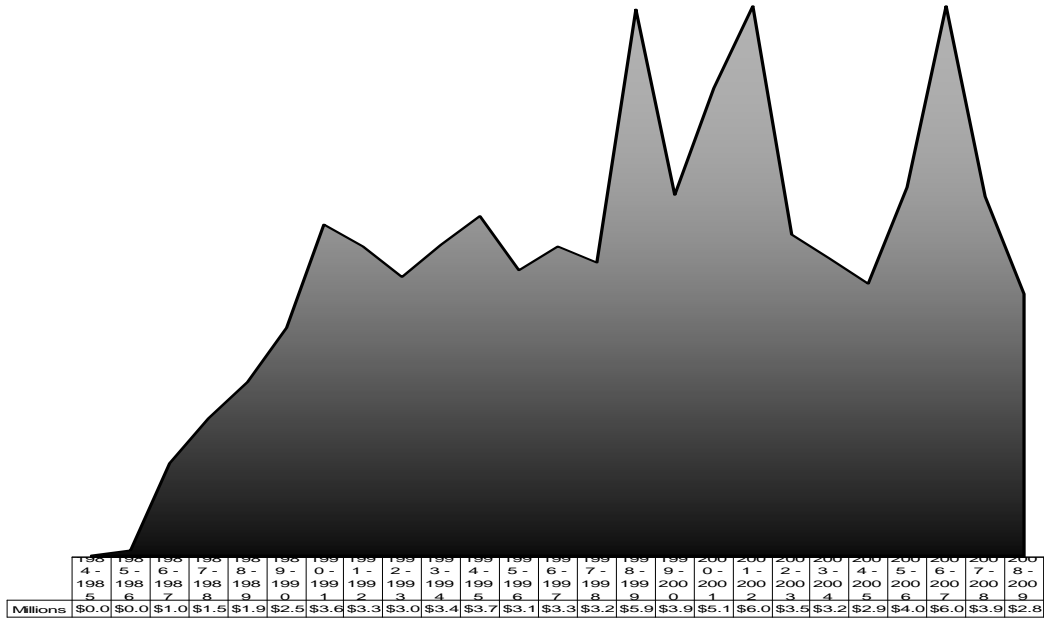
CASH BALANCE

Balance as of October 1, 2008	4,835,928.15
Surplus of Receipts over Disbursements	423,869.43

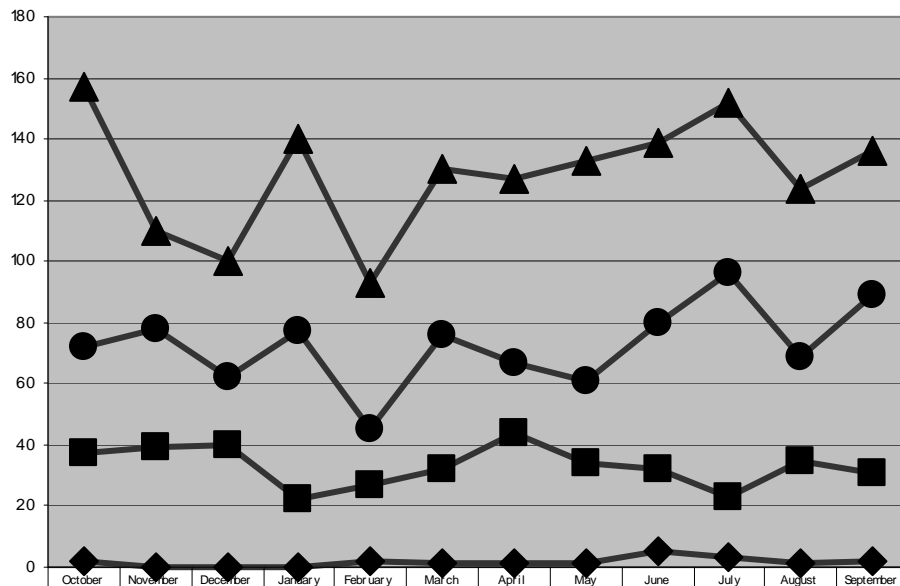
BALANCE AS OF SEPTEMBER 30, 2009 5,259,797.58

AWARD SUMMARY IN HISTORY OF PROGRAM

Over \$82-million has been paid out to victims during the 25-year history of the program.



CLAIMS RECEIVED



●	DV	2	0	0	0	2	1	1	1	5	3	1	2
■	Homicide	37	39	40	22	27	32	44	34	32	23	35	31
▲	Regular	157	110	100	140	93	130	127	133	139	152	124	136
●	SAK	72	78	62	77	45	76	67	61	80	96	69	89



STATISTICAL DATA OCTOBER 1, 2008 TO SEPTEMBER 30, 2009		
Claims Received		
Regular	1541	
Homicide	396	
Domestic Violence	18	
Sexual Assault Kit Payment	872	
TOTAL		2827
Claims Approved		
Regular	738	
Homicide	236	
Domestic Violence	12	
Sexual Assault Kit Payment	862	
TOTAL		1848
Claims Not Approved		
Regular	695	
Homicide	110	
Domestic Violence	14	
Sexual Assault Kit Payment	124	
TOTAL		943
Claims Processed <small>(Does not include claims the Commission Held for Trial/Information)</small>		
Regular	1433	
Homicide	346	
Domestic Violence	26	
Sexual Assault Kit Payment	986	
TOTAL		2791
Emergency Awards Issued		104
Claims Pending at Fiscal Year-end		1103

APPROVED INITIAL CLAIMS BY PRIMARY OFFENSE	
Arson	4
Assault - Family	8
Assault - Non-Family	262
Attempted Murder - Family	9
Attempted Murder - Non-Family	52
Burglary	2
Capital Murder	20
Child Physical Abuse	3
Child Rape (under age 16)	8
Child Sexual Abuse - Family	22
Child Sexual Abuse - Nonfamily	11
Criminally Negligent Homicide	1
Domestic Violence (Regular Claim)	68
Domestic Violence Award	12
DUI/DWI	6
Harassment	1
Kidnapping	6
Leaving Scene of Accident	17
Manslaughter	22
Murder - Family	23
Murder - Non-Family	117
Other	4
Robbery	17
Sexual Assault (Regular Claim)	50
Sexual Assault Exam (07-27-95)	907
Sodomy - Non-Family	2
Vehicular Assault	12
Vehicular Homicide	12



First Place winner in the ACVCC 25th Anniversary School Art Contest; Seventh–Ninth Grade; Dillon



CLAIMS RECEIVED BY COUNTY

COUNTY	INITIAL					SUPPLEMENTAL			
	DV	HOMICIDE	REGULAR	SAK	TOTAL	HOMICIDE	REGULAR	SAK	TOTAL
Autauga	0	4	6	6	16	0	0	0	0
Baldwin	0	6	24	3	33	0	1	1	2
Barbour	0	0	7	2	9	0	1	0	1
Bessemer	0	12	39	1	52	1	5	0	6
Bibb	0	0	3	1	4	0	0	0	0
Blount	0	0	3	5	8	0	1	0	1
Bullock	0	4	1	0	5	0	0	0	0
Butler	0	0	8	2	10	0	0	0	0
Calhoun	2	17	64	6	89	3	11	0	14
Chambers	0	4	8	0	12	2	0	0	2
Cherokee	0	0	3	0	3	0	0	0	0
Chilton	0	2	8	5	15	0	0	0	0
Choctaw	0	1	3	0	4	0	2	0	2
Clarke	0	2	8	2	12	0	2	0	2
Clay	0	0	1	0	1	0	0	0	0
Cleburne	0	2	2	0	4	0	0	0	0
Coffee	0	3	14	2	19	0	0	0	0
Colbert	0	1	9	16	26	0	4	0	4
Conecuh	0	6	5	0	11	0	1	0	1
Coosa	0	0	1	0	1	0	10	0	10
Covington	0	0	12	0	12	0	0	0	0
Crenshaw	0	2	1	0	3	0	0	0	0
Cullman	0	0	10	5	15	0	4	0	4
Dale	1	1	13	8	23	0	0	0	0
Dallas	0	11	41	8	60	0	12	0	12
DeKalb	1	1	5	2	9	0	2	0	2
Elmore	0	3	16	14	33	0	2	0	2
Escambia	0	3	16	0	19	0	1	1	2
Etowah	2	2	19	1	24	5	4	0	9
Fayette	0	0	2	0	2	1	0	0	1
Franklin	0	2	2	11	15	0	2	0	2
Geneva	0	10	13	5	28	1	2	0	3
Greene	0	0	3	0	3	0	0	0	0
Hale	0	2	6	0	8	0	1	0	1
Henry	0	1	3	3	7	0	1	0	1
Houston	1	2	34	26	63	1	1	0	2
Jackson	0	1	3	10	14	0	0	0	0
Jefferson	2	83	313	224	622	11	39	0	50
Lamar	0	0	3	1	4	0	0	0	0
Lauderdale	0	5	29	48	82	0	1	0	1
Lawrence	0	0	4	9	13	0	1	0	1
Lee	0	1	26	8	35	4	10	0	14
Limestone	0	1	4	1	6	0	1	0	1
Lowndes	0	0	3	2	5	0	0	0	0
Macon	0	8	16	4	28	0	2	0	2
Madison	4	14	98	168	284	1	18	0	19
Marengo	0	2	2	0	4	0	0	0	0
Marion	0	1	3	6	10	0	4	0	4
Marshall	0	4	6	0	10	1	2	0	3
Mobile	0	47	142	112	301	2	17	1	20
Monroe	0	2	2	0	4	0	0	0	0
Montgomery	1	35	81	51	168	3	9	0	12
Morgan	0	4	19	17	40	0	3	0	3
Out-of-State	0	0	2	4	6	0	0	0	0
Perry	0	0	5	0	5	0	1	0	1
Pickens	0	0	3	0	3	0	0	0	0
Pike	1	1	7	4	13	0	0	0	0
Randolph	0	0	2	1	3	0	1	0	1
Russell	2	5	27	0	34	0	2	0	2
Shelby	0	3	8	20	31	1	7	0	8
St Clair	0	4	10	14	28	0	0	0	0
Sumter	0	2	0	0	2	0	0	0	0
Talladega	1	6	29	4	40	2	1	0	3
Tallapoosa	0	3	6	1	10	0	1	0	1
Tuscaloosa	0	9	42	5	56	5	10	0	15
Walker	0	5	10	14	29	0	2	0	2
Washington	0	1	3	2	6	0	1	0	1
Wilcox	0	2	5	0	7	0	2	0	2
Winston	0	1	12	4	17	0	0	0	0
TOTAL	18	354	1338	868	2578	44	205	3	252

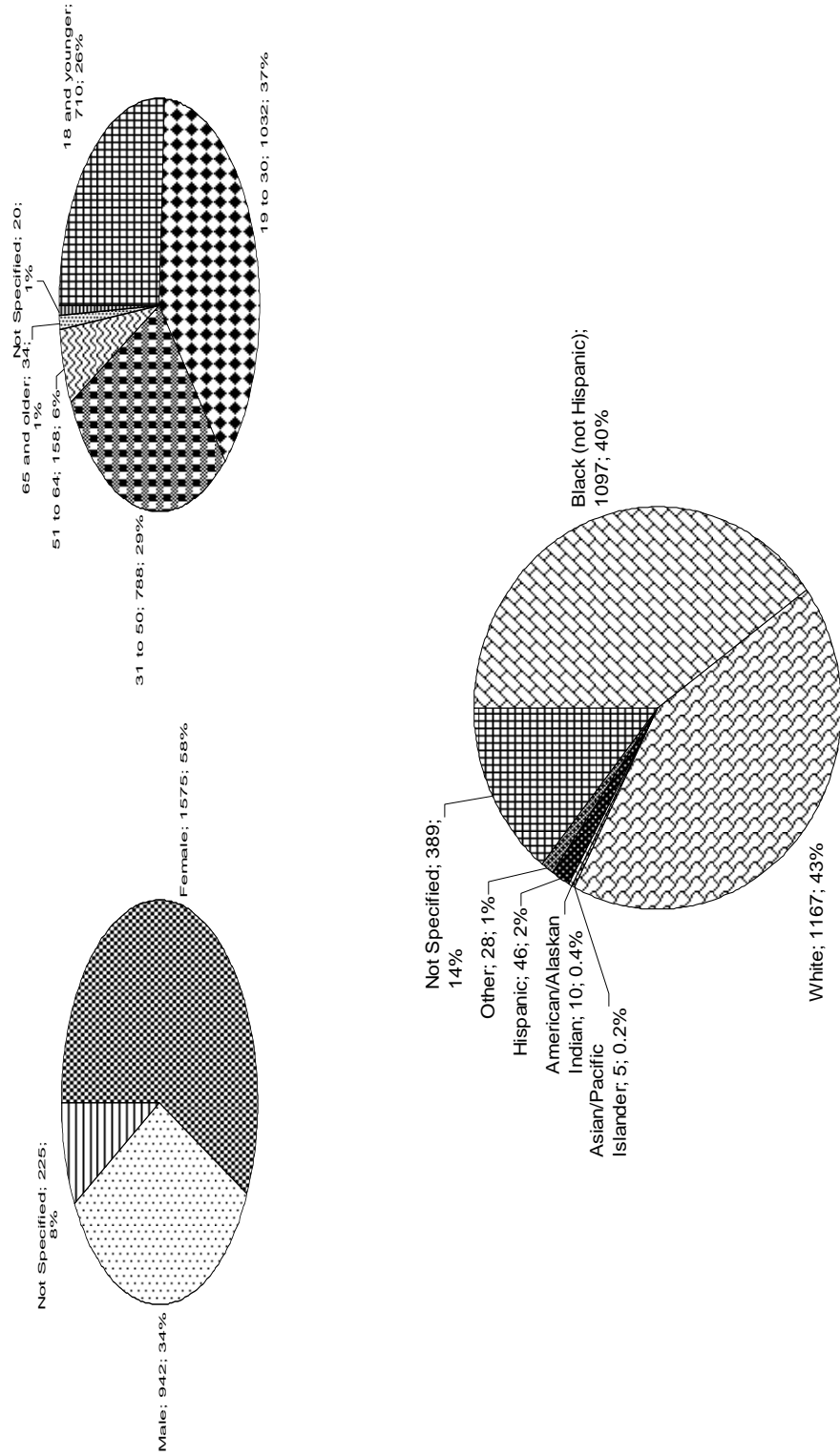
APPROVED CLAIMS DISBURSEMENTS BY COUNTY

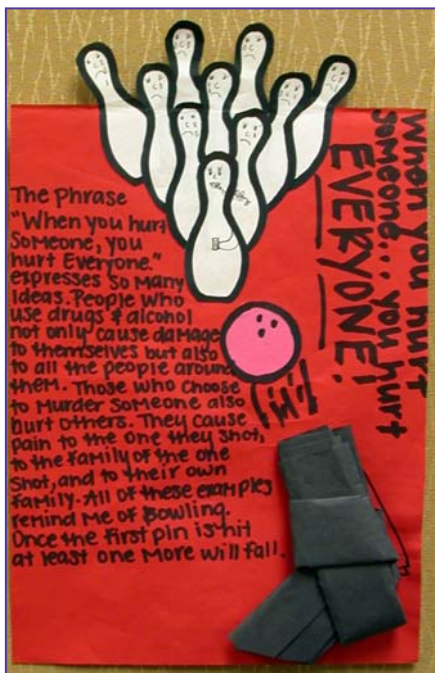
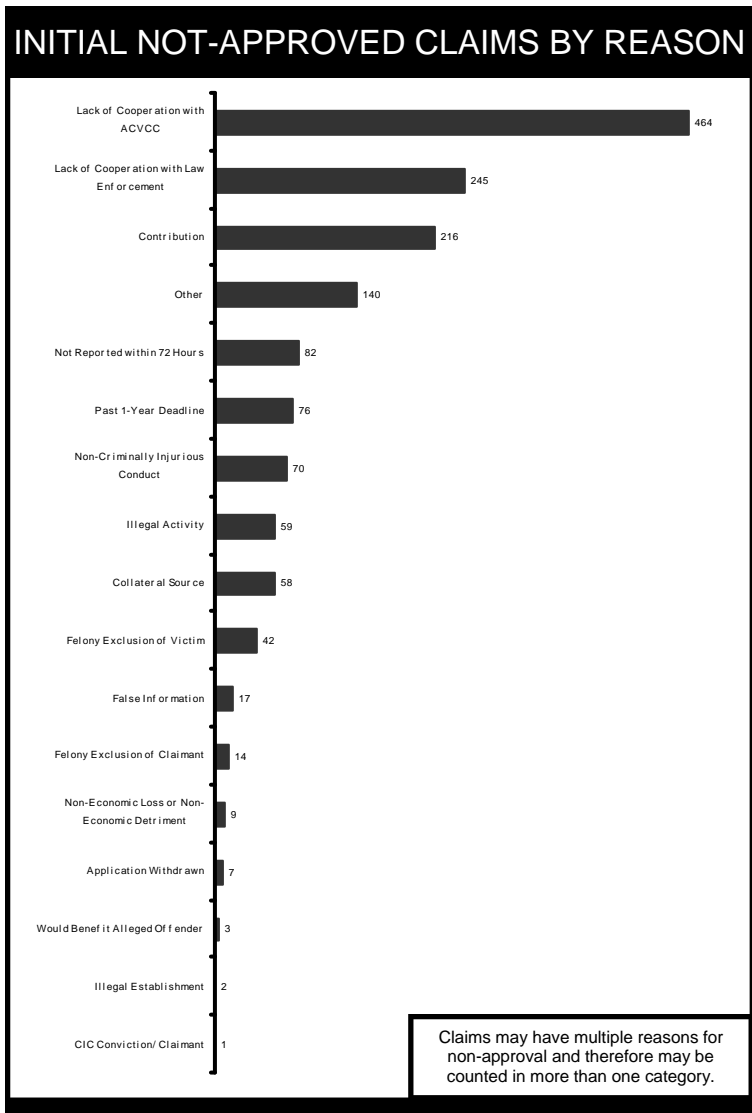
COUNTY	APPROVED	VOID/RAD	BALANCE
Autauga	\$ 29,537.11	\$ -	\$ 29,537.11
Baldwin	\$ 58,929.34	\$ (809.09)	\$ 58,120.25
Barbour	\$ 10,009.60	\$ -	\$ 10,009.60
Bessemer	\$ 84,817.36	\$ (3,984.00)	\$ 80,833.36
Bibb	\$ 2,479.36	\$ -	\$ 2,479.36
Blount	\$ 7,483.26	\$ (149.70)	\$ 7,333.56
Bullock	\$ 8,440.00	\$ -	\$ 8,440.00
Butler	\$ 2,201.83	\$ -	\$ 2,201.83
Calhoun	\$ 87,747.30	\$ (2,428.27)	\$ 85,319.03
Chambers	\$ 23,846.47	\$ (349.00)	\$ 23,497.47
Cherokee	\$ 3,862.83	\$ -	\$ 3,862.83
Chilton	\$ 41,584.51	\$ -	\$ 41,584.51
Choctaw	\$ 20,875.20	\$ -	\$ 20,875.20
Clarke	\$ 10,132.23	\$ -	\$ 10,132.23
Cleburne	\$ 12,598.27	\$ -	\$ 12,598.27
Coffee	\$ 10,772.87	\$ -	\$ 10,772.87
Colbert	\$ 18,492.46	\$ -	\$ 18,492.46
Conecuh	\$ 7,695.10	\$ -	\$ 7,695.10
Coosa	\$ 1,259.26	\$ -	\$ 1,259.26
Covington	\$ 23,159.53	\$ -	\$ 23,159.53
Crenshaw	\$ 7,757.50	\$ -	\$ 7,757.50
Cullman	\$ 40,762.52	\$ (2,380.35)	\$ 38,382.17
Dale	\$ 18,368.84	\$ -	\$ 18,368.84
Dallas	\$ 42,875.78	\$ -	\$ 42,875.78
DeKalb	\$ 3,149.34	\$ -	\$ 3,149.34
Elmore	\$ 29,091.40	\$ (12,000.00)	\$ 17,091.40
Escambia	\$ 19,021.91	\$ -	\$ 19,021.91
Etowah	\$ 38,141.82	\$ -	\$ 38,141.82
Fayette	\$ 3,183.41	\$ -	\$ 3,183.41
Franklin	\$ 10,636.42	\$ -	\$ 10,636.42
Geneva	\$ 17,425.36	\$ -	\$ 17,425.36
Hale	\$ 9,439.83	\$ -	\$ 9,439.83
Henry	\$ 10,919.01	\$ -	\$ 10,919.01
Houston	\$ 24,379.85	\$ (5,000.00)	\$ 19,379.85
Jackson	\$ 23,088.67	\$ -	\$ 23,088.67
Jefferson	\$ 667,349.90	\$ (12,001.96)	\$ 655,347.94
Lauderdale	\$ 49,540.26	\$ (4,261.27)	\$ 45,278.99
Lawrence	\$ 20,903.04	\$ (286.20)	\$ 20,616.84
Lee	\$ 89,948.59	\$ (10,849.77)	\$ 79,098.82
Limestone	\$ 4,912.59	\$ -	\$ 4,912.59
Lowndes	\$ 18,480.06	\$ -	\$ 18,480.06
Macon	\$ 39,415.46	\$ -	\$ 39,415.46
Madison	\$ 216,178.20	\$ (4,552.11)	\$ 211,626.09
Marengo	\$ 20,000.00	\$ -	\$ 20,000.00
Marion	\$ 8,395.98	\$ -	\$ 8,395.98
Marshall	\$ 17,544.54	\$ -	\$ 17,544.54
Mobile	\$ 325,539.49	\$ (7,490.71)	\$ 318,048.78
Monroe	\$ 1,867.80	\$ -	\$ 1,867.80
Montgomery	\$ 174,201.14	\$ (6,583.90)	\$ 167,617.24
Morgan	\$ 50,512.75	\$ (297.00)	\$ 50,215.75
Out-of-State	\$ 675.25	\$ -	\$ 675.25
Pickens	\$ 2,863.51	\$ -	\$ 2,863.51
Pike	\$ 23,109.29	\$ -	\$ 23,109.29
Randolph	\$ 6,532.76	\$ -	\$ 6,532.76
Russell	\$ 31,285.94	\$ -	\$ 31,285.94
Shelby	\$ 40,241.04	\$ (581.94)	\$ 39,659.10
St Clair	\$ 16,070.30	\$ (3,000.00)	\$ 13,070.30
Sumter	\$ 6,484.13	\$ -	\$ 6,484.13
Talladega	\$ 38,856.19	\$ -	\$ 38,856.19
Tallapoosa	\$ 8,484.37	\$ -	\$ 8,484.37
Tuscaloosa	\$ 88,185.86	\$ (225.00)	\$ 87,960.86
Walker	\$ 48,528.88	\$ -	\$ 48,528.88
Washington	\$ 11,542.08	\$ -	\$ 11,542.08
Wilcox	\$ 10,879.45	\$ -	\$ 10,879.45
Winston	\$ 4,593.16	\$ (3,748.84)	\$ 844.32
TOTAL	\$ 2,807,287.56	\$ (80,979.11)	\$ 2,726,308.45



STATISTICAL DATA

CLAIMS PROCESSED BY GENDER, AGE, AND ETHNICITY





First Place winner in the ACVCC 25th Anniversary School Art Contest; Tenth—Twelfth Grade; Caitlin



ALABAMA CRIME VICTIMS COMPENSATION ACT**Section 15-23-1****Short title.**

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

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

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

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

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

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

The provisions of this article are to be construed so as to accomplish this purpose and to promote the same which is hereby declared to be the public policy of this state.

(Acts 1984, No. 84-658, p. 1308, §2.)

Section 15-23-3**Definitions.**

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

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

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

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

9. Had not departed the geographical boundaries of this state for a period exceeding 30 days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.

The term "criminally injurious conduct" shall not mean: An act committed outside the geographical boundaries of this state upon a person who was not at the time a citizen of Alabama, or an act committed outside the geographical boundaries of this state upon a person who at the time had departed the geographical boundaries of this state for the purpose of becoming a citizen of, or establishing a permanent place of residence in, another state.

(3) VICTIM. A person who suffered serious personal injury or death as a result of criminally injurious conduct.

(4) DEPENDENT. A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.

(5) CLAIMANT. Any of the following persons applying for compensation under this article:

a. A victim.

b. A dependent of a deceased victim, if such victim died as a result of criminally injurious conduct.

c. A person authorized to act on behalf of a victim or a dependent of a deceased victim if such victim died as a result of criminally injurious conduct.

(6) ALLOWANCE EXPENSE. Charges incurred for needed products, services, and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational rehabilitation, rehabilitative occupational training, and other remedial treatment and care. It also includes a total charge not in excess of 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:

a. The offender.

b. The government of the United States or any agency thereof, in the form of benefits, such as Social Security, Medicare and Medicaid, a state or any of its political subdivisions or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this article.

c. Any temporary nonoccupational disability insurance.

d. Workers' compensation.

e. Wage continuation programs of any employer.

f. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of



the criminally injurious conduct.

g. A contract providing prepaid hospital and other health care services or benefits for disability.

(14) OFFICE OF PROSECUTION SERVICES. The Office of Prosecution Services as established by Section 12-17-230.

(Acts 1984, No. 84-658, p. 1308, §3; Acts 1986, No. 86-510, p. 993, §1; Acts 1990, No. 90-470, p. 677, §1; Act 98-492, p. 945, §1.)

Section 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 appointments 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, p. 945, §1.)

Section 15-23-5

Alabama Crime Victims Compensation Commission - Powers and duties.

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

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



associations, agencies of the State of Alabama or political subdivisions thereof, or to state, county, or municipal law enforcement, prosecutorial or judicial agencies upon terms and conditions as the commission may deem proper for the purpose of developing, enhancing, or establishing bona fide model crime victims service programs which emphasize the collection of restitution from criminals as an integral part of the criminal justice process, but the loans or grants shall only be awarded when sufficient funds are available in excess of reasonably anticipated or projected claims for compensation.

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

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

(26) All other powers necessary for the proper administration of this article.

(Acts 1984, No. 84-658, p. 1308, §5; Acts 1986, No. 86-510, p. 993, §3; Acts 1990, No. 90-470, p. 677, §2; Acts 1995, No. 95-494, p. 994, §1.)

Section 15-23-6

Alabama Crime Victims Compensation Commission - Annual report required.

The commission shall publish annually a report showing the fiscal transactions of the commission for the preceding year, the amount of the accumulated cash and securities of the commission and a balance sheet showing the financial condition of the commission by means of an actuarial evaluation of the assets and liabilities of the commission.

(Acts 1984, No. 84-658, p. 1308, §6.)

Section 15-23-7

Audit of financial affairs of commission authorized.

The Director of the Department of Examiners of Public Accounts shall at least once a year and at such other times as such director shall deem appropriate cause to be performed a detailed audit of the financial affairs of the commission and shall promptly notify the appropriate grand jury as to any possible violations of law.

(Acts 1984, No. 84-658, p. 1308, §7.)

Section 15-23-8

Compensation for economic loss resulting from criminal conduct - Authorized; procedure.

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

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

(c) The commission shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

(Acts 1984, No. 84-658, p. 1308, §8.)

Section 15-23-9

Compensation for economic loss resulting from criminal conduct - Collateral source contribution not required.

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

(Acts 1984, No. 84-658, p. 1308, §9.)

Section 15-23-10

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

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

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

(c) The commission may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or

default.

(Acts 1984, No. 84-658, p. 1308, §10.)

Section 15-23-11

Filing claim under article constitutes waiver of physician-patient privilege.

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

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

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

(d) The commission may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.

(Acts 1984, No. 84-658, p. 1308, §11.)

Section 15-23-12

When compensation not awarded, diminished, etc.; reconsideration of award.

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

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

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

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

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

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

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

(d) The commission, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a commission decision for the purpose of judicial review.

(Acts 1984, No. 84-658, p. 1308, §12; Acts 1990, No. 90-470, p. 677, §3; Acts 1995, No. 95-494, p. 994, §2; Act 98-492, p. 945, §1.)

Section 15-23-13

Award not contingent on prosecution or conviction of offender; effect of proof of conviction; suspension of proceedings under article.

Except as provided elsewhere in this article, an award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered. The commission may suspend the proceedings pending disposition of criminal prosecution that has been commenced or is imminent, but may make a tentative award under this section.

(Acts 1984, No. 84-658, p. 1308, §13.)

Section 15-23-14



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

- (a) If compensation is awarded, the commission shall be subrogated to all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded.
- (b) In the event the claimant recovers compensation, other than under the provisions of this article, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee for the commission, so much of the recovered funds as necessary to reimburse the Alabama Crime Victims Compensation Fund to the extent that compensation was awarded to the claimant from that fund. The funds retained in trust shall be promptly paid over to the commission and deposited in the Alabama Crime Victims Compensation Fund. Whenever the commission shall deem it necessary to protect, maintain or enforce the commission's right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities the commission may initiate legal proceedings or intervene in legal proceedings.
- (c) If a claimant initiates any legal proceeding to recover restitution or damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the commission written notice within 15 days of the filing of the action. The commission may intervene in the proceeding as a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the commission within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the criminally injurious conduct, the commission's right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the commission, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement; including, but not limited to, attorney's fee, expert witness fees, investigative costs or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed 15 percent of the amount subrogated to the commission.
- (d) Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the commission may initiate restitution hearings in such criminal proceedings or intervene in the same. The commission shall be entitled to receive restitution in such proceedings to the extent that compensation was awarded. The commission shall be subrogated to all the rights and remedies of such claimant for the collection of restitution to the extent compensation was awarded; provided however, the commission shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate.

(Acts 1984, No. 84-658, p. 1308, §14; Acts 1986, No. 86-510, p. 993, §4; Acts 1990, No. 90-470, p. 677, §4.)

Section 15-23-15

Amount and method of compensation; future economic loss generally; exemption from state and local taxes, etc.

- (a) Compensation for work loss, replacement services loss, dependent's economic loss, and dependent's replacement 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).
- (d) An award payable in installments for future economic loss may be made only for a period as to which the commission can reasonably determine future economic loss. An award payable in installments for future economic loss may be modified by the commission upon its findings that a material and substantial change of circumstances has occurred.
- (e) An award shall not be subject to state or municipal taxation or to execution, attachment, or garnishment, except as the same may pertain to an obligation for the support of dependent children or as the same may pertain to a creditor which has provided products, services, or accommodations, the costs of which are

included in the award.

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

- (1) An assignment of any award for work loss to assure payment of court-ordered child support.
- (2) An assignment of any award for an allowable expense to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

(Acts 1984, No. 84-658, p. 1308, §15; Acts 1990, No. 90-470, p. 677, §5; Act 98-492, p. 945, §1.)

Section 15-23-16

Alabama Crime Victims Compensation Fund; created; purposes; composition; administered or managed by commission.

(a) There is hereby established a special fund to be known as the Alabama Crime Victims Compensation Fund.

(b) The fund shall be placed under the management or administration of the Alabama Crime Victims Compensation Commission for purposes of providing compensation or other benefits to crime victims and for purposes of implementing this article.

(c) The fund shall consist of all moneys collected or received by the Alabama Crime Victims Compensation Commission from any source.

(d) The commission shall have control of the funds not inconsistent with this article and with the laws of Alabama.

(e) All moneys of the commission shall be covered into the State Treasury or deposited in a special trust account and may be withdrawn therefrom by vouchers or check signed by the chair of the commission pursuant to authorization given by the commissioner. All investments of moneys in the fund shall be either deposited with the State Treasurer for safekeeping upon receipt of the State Treasurer therefor or deposited with the bank in a custodial account. The commission shall have authority to expend moneys in the fund in accordance with this article and to invest any moneys so received pending other needs therefor in any investments which are legal investments for insurance companies under the laws of the state.

(f) No member of the commission shall have any interest in the investments or receive any commission with respect thereto.

(g) It shall be the duty of the commission to keep detailed permanent records of all expenditures and disbursements from the fund.

(h) The commission is authorized to accept and use funds available to it from all sources, such as grants, appropriations, gifts, donations, and other sources for purposes of implementing this article.

(i) The commission may not award any moneys for the six months immediately following passage of this article.

(j) The commission may not award or promise to award more moneys than are available in the fund.

(k) The commission shall not spend more than 25 percent of its funds for administrative costs.

(Acts 1984, No. 84-658, p. 1308, §16; Acts 1995, No. 95-494, p. 994, §3.)

Section 15-23-17

Assessment of additional costs and penalties; collection and disposition of additional assessments, etc.

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

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

(b) In addition to the imposition of any other costs, penalties, or fines imposed pursuant to law, any person convicted or pleading guilty to a felony or a misdemeanor or a violation for which the person is adjudicated a juvenile delinquent, or a youthful offender, shall be ordered to pay a victim compensation assessment of not



less than fifty dollars (\$50), nor more than ten thousand dollars (\$10,000), for each felony for which the person was convicted or adjudicated and not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000), for each misdemeanor or violation for which the person was convicted, adjudicated, or otherwise disposed of when the court orders that costs be paid. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. Any person adjudicated a juvenile delinquent shall be ordered to pay a victim compensation assessment of not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000), for each adjudication, regardless of the underlying charge, but the assessment or penalty authorized by this subsection shall not be assessed or collected for any conservation, forestry, or water safety offense, nor any traffic offense, except those that are punishable as a felony offense or involve the operation or actual physical control of any vehicle while intoxicated or under the influence of drugs, or reckless driving. If a court fails to specifically impose an assessment required by this section, the clerk of court shall automatically assess a victim compensation assessment in the minimum amount provided herein. The additional assessment or penalty shall be collected by the clerk of court insuring that the first twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor assessment shall be promptly paid over to the commission. The second twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor assessment shall be promptly paid to the Office of Prosecution Services. Any victim assessment fees ordered above the minimum shall be paid to the commission fund.

(c) The Office of Prosecution Services shall create a Victim Services Fund and the assessments received by the Office of Prosecution Services shall be deposited into the Victim Services Fund. The funds received by the Office of Prosecution Services shall be distributed by the Executive Committee of the Alabama District Attorneys Association to the various district attorneys' offices to employ a minimum of one full-time victim service officer in each circuit and to provide other direct services to victims as needed.

(Acts 1984, No. 84-658, p. 1308, §17; Acts 1986, No. 86-510, p. 510, §5; Acts 1990, No. 90-470, p. 677, §6; Acts 1995, No. 95-494, p. 994, §4.)

Section 15-23-18

Penalties - Influence peddling.

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

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

(c) It shall not be a defense to a prosecution under this section that the member, agent or employee sought to be influenced was not qualified to act in the desired way because of a lack of jurisdiction or for any other reason.

(Acts 1984, No. 84-658, p. 1308, §18.)

Section 15-23-19

Penalties - Failure of commission member to disclose conflict of interest.

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

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

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

(d) Failing to disclose a conflict of interest is a Class C felony.

(Acts 1984, No. 84-658, p. 1308, §19.)

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

Any member, agent or employee of the Alabama Crime Victims Compensation Commission who shall knowingly make a false entry or falsely alter any commission record; or who shall intentionally destroy, mutilate, conceal, remove or otherwise impair the verity or availability of any commission record with the knowledge of a lack of authority to do so; or who shall possess a record of the commission and refuse to deliver up such record upon proper request of a person lawfully entitled to receive the same shall be guilty of a Class C felony.

(Acts 1984, No. 84-658, p. 1308, §20.)

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

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

(b) Any person who shall knowingly fail or omit to disclose a material fact or circumstance to the Alabama Crime Victims Compensation Commission or to any member, agent or employee thereof which is material to a claim for an award of compensation with the intent to defraud the commission or with the intent to cause a person to obtain or receive an award of compensation to which such person is not entitled shall be guilty of a Class C felony.

(Acts 1984, No. 84-658, p. 1308, §21.)

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

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

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

(Acts 1984, No. 84-658, p. 1308, §22.)

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

Any person who shall perpetrate any criminally injurious conduct on the person of another or who shall be convicted of a felony after making application to the Alabama Crime Victims Compensation Commission for compensation shall not be eligible or entitled to receive compensation pursuant to any provision of this article.

(Acts 1984, No. 84-658, p. 1308, §23.)



ALABAMA CRIME VICTIMS COMPENSATION COMMISSION
ADMINISTRATIVE CODE
CHAPTER 262-X-1 DEFINITIONS
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Revised November 16, 2009

262-X-1-.01 General Information and Definitions.

(1) Purpose: It is the intent of the Legislature and the purpose of the Alabama Crime Victims Compensation Commission (ACVCC) to provide financial and other assistance for victims of violent crime for the allowable expenses that are incurred as a direct result of victimization. Applicants must not have contributed to their victimization or have been convicted of felonies or acts of violence against others after making application for compensation. Other eligibility requirements that must be met are listed in the following sections.

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

(a) The maximum amount of compensation that may be awarded in any one claim is \$15,000. Other limitations for specific categories are addressed in the following chapters.

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

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

(b) Criminally Injurious Conduct.

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

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

(e) Had a permanent place of employment located within the geographical boundaries of this state; or

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

(g) Was retired and receiving Social Security or other retirement income; or

(h) Was 60 years of age or older; or

(i) Was temporarily in another state of the United States of America for the purpose of receiving medical treatment; or

(j) Was temporarily in another state of the United States of America for the purpose of performing employment related duties required by an employer located within the geographical boundaries of this state as an expressed condition of employment or employee benefits; or

(k) Was temporarily in another state of the United States of America for the purpose of receiving occupational, vocational or other job-related training or instruction required by an employer located within the geographical boundaries of this state as an expressed condition of full-time employment or employee benefits; or

(l) Was a full-time student at an academic institution, college or university located in another state of the United States of America; or

(m) 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.

(n) The term 'criminally injurious conduct' shall not mean: An act committed outside the geographical boundaries of this state upon a person who was not at the time such act was committed a citizen of the State of

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

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

(p) Dependent. A natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim when the death occurred as the result of criminally injurious conduct.

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

1. A victim;
2. A dependent of a deceased victim, if such victim died as result of criminally injurious conduct; or
3. A person authorized to act on behalf of a victim, or a dependent of a deceased victim if such victim died as a result of criminally injurious conduct.

(r) Allowance Expense. Charges incurred for needed products, services and accommodations, including but not limited to, medical care, rehabilitation, rehabilitative occupational training, and other remedial treatment and care. It also includes a total amount not to exceed \$5,000.00 for expenses related to a funeral, cremation or burial.

(s) Work Loss. Loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work which he or she was capable of performing but unreasonably failed to undertake;

(t) 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.

(u) Economic Loss of a Dependent. A loss after the death of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim.

(v) Replacement Services Loss of Dependent. The loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those that the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent.

(w) Economic Loss. Monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of the dependent, but shall not include noneconomic loss, or noneconomic detriment.

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

(y) Collateral Source. The source of income, financial or other benefits or advantages for economic loss other than the compensation paid by the Compensation Commission which the claimant has received or is entitled to receive or is readily available to the claimant from any or more of the following:

1. The offender;
2. The government of the United States or any agency thereof, in the form of benefits, such as social security, medicare and medicaid, a state or any of its subdivisions or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to the benefits under this chapter;
3. Any temporary nonoccupational disability insurance;
4. Workman's compensation;
5. Wage continuation programs of any employer;
6. Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; or
7. A contract providing prepaid hospital and other health care services or benefits for disability.

(z) Immediate Family. Immediate family for purposes of determining compensation eligibility shall mean spouse, child, parent/legal guardian, siblings, aunts/uncles, grandparents, and grandchildren. Except when unusually strong personal ties exist, due to the victim or family member having been reared by a person of



some relationship other than which is provided for in this definition for a period of twenty-four consecutive months or longer, this relationship may be considered as immediate family at the discretion of the Commission.

CHAPTER 262-X-2 THE COMMISSION AND ITS MEMBERS

262-X-2-.01 Composition.

(1) There is hereby created the Alabama Crime Victims Compensation Commission, which shall be composed of three citizens of the State of Alabama, who shall be appointed by the Governor with the advice and consent of the Senate, for terms of four (4) years each or until their successors are appointed and qualified. Provided, however, initial appointments shall be as follows: One member shall be appointed for two (2) years and one member shall be appointed for three (3) years and one member shall be appointed for four (4) years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointments shall be for four-year terms.

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

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

262-X-2-.02 Officers. Each year the Commission shall elect a chairman from its membership. Chairperson elections shall be held in the month of June. A Commission member shall not serve two successive terms as Chairperson. A Commission member shall not serve as Chairperson more than once in a three-year period. The Commission may appoint an executive director who shall serve at the pleasure of the Commission and shall be paid a salary in an amount to be determined by the Commission.

262-X-2-.03 Meetings.

The Commission shall have its principle place of business in the county wherein the state capital is located. The Commission shall hold at its principle place of business regular monthly public meetings on the second Thursday of each month and other meetings at such times and places as its members may elect. Any two (2) members of the Commission shall constitute a quorum for the purposes of transacting the business of the Commission and two (2) votes in favor shall be necessary for a decision by the Commission at any meeting of the Commission. The Commission shall meet on the second Thursday of each month at 9:00 a.m. at the Commission office. The monthly Commission meeting shall be advertised in the major newspapers of the state. Any change to the regular Commission meeting shall also be so advertised.

262-X-2-.04 Rulemaking.

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

262-X-2-.05 Records.

The chairman of the Commission shall keep a true record of all the proceedings of the meetings of the Commission. At the call of any member the vote on any pending question shall be taken by 'ayes' and 'nays', and the same shall be entered in such record. The written minutes of the proceedings shall be maintained by the agency. The Commission shall meet in Executive Session when the good name and character of individuals is to be discussed. The record of the proceedings of the Commission shall be open to any member of the Commission and to the public at all times and a copy of such record, certified by the chairman shall be competent evidence in all courts. Provided, however, the Commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to the provisions of this chapter or the facts or circumstances of the criminally injurious conduct perpetrated against them.

262-X-2-.06 Bond.

All members and employees of the Commission handling money or exercising authority over any property shall, before entering the discharge of their duties, give bond with a surety company authorized to do business in the State of Alabama, a surety, payable to the Commission in an amount or amounts sufficient to protect the Commission against any loss with respect to the funds, money or property handled, conditioned for the faithful

discharge of their duties and responsibilities and further conditioned upon their faithfully accounting for all monies, funds, or properties coming into their possession in the capacity of their employment.

262-X-2-.07 Duties Of The Attorney General.

The attorney general or the district attorney of the county wherein the state capital is located shall, upon written request by the Commission represent the Commission in all litigation to which the Commission is a party or in which the Commission has an interest. The attorney general shall serve as legal advisor to the Commission.

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

All Commission members shall be paid \$75.00 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.

CHAPTER 262-X-2 THE COMMISSION AND ITS MEMBERS

262-X-2-.01 Composition.

(1) There is hereby created the Alabama Crime Victims Compensation Commission, which shall be composed of three citizens of the State of Alabama, who shall be appointed by the Governor with the advice and consent of the Senate, for terms of four (4) years each or until their successors are appointed and qualified. Provided, however, initial appointments shall be as follows: One member shall be appointed for two (2) years and one member shall be appointed for three (3) years and one member shall be appointed for four (4) years. All appointments to fill vacancies shall be for the duration of the unexpired term and subsequent appointments shall be for four-year terms.

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

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

262-X-2-.02 Officers. Each year the Commission shall elect a chairman from its membership. Chairperson elections shall be held in the month of June. A Commission member shall not serve two successive terms as Chairperson. A Commission member shall not serve as Chairperson more than once in a three-year period. The Commission may appoint an executive director who shall serve at the pleasure of the Commission and shall be paid a salary in an amount to be determined by the Commission.

262-X-2-.03 Meetings.

The Commission shall have its principle place of business in the county wherein the state capital is located. The Commission shall hold at its principle place of business regular monthly public meetings on the second Thursday of each month and other meetings at such times and places as its members may elect. Any two (2) members of the Commission shall constitute a quorum for the purposes of transacting the business of the Commission and two (2) votes in favor shall be necessary for a decision by the Commission at any meeting of the Commission. The Commission shall meet on the second Thursday of each month at 9:00 a.m. at the Commission office. The monthly Commission meeting shall be advertised in the major newspapers of the state. Any change to the regular Commission meeting shall also be so advertised.

262-X-2-.04 Rulemaking.

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

262-X-2-.05 Records.

The chairman of the Commission shall keep a true record of all the proceedings of the meetings of the Commission. At the call of any member the vote on any pending question shall be taken by 'ayes' and 'nays', and the same shall be entered in such record. The written minutes of the proceedings shall be maintained by the agency. The Commission shall meet in Executive Session when the good name and character of individuals is to be discussed. The record of the proceedings of the Commission shall be open to any member of the Commission and to the public at all times and a copy of such record, certified by the chairman shall be competent evidence in all courts. Provided, however, the Commission shall decline to disclose the names and



addresses of victims or claimants who have applied for compensation pursuant to the provisions of this chapter or the facts or circumstances of the criminally injurious conduct perpetrated against them.

262-X-2-.06 Bond.

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

262-X-2-.07 Duties Of The Attorney General.

The attorney general or the district attorney of the county wherein the state capital is located shall, upon written request by the Commission represent the Commission in all litigation to which the Commission is a party or in which the Commission has an interest. The attorney general shall serve as legal advisor to the Commission.

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

All Commission members shall be paid \$75.00 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.

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

262-X-3-.01 The Commission-General Powers And Duties. The Commission shall have all the powers and privileges of a corporation and all of its business shall be transacted in the name of the Commission. In addition to any other powers and duties specified elsewhere in this chapter, the Commission shall have the power to:

- (a) Regulate its own procedures except as otherwise provided in this chapter;
- (b) Define any term not defined in this chapter;
- (c) Prescribe forms necessary to carry out the purposes of this chapter;
- (d) Obtain access to investigative reports made by law enforcement officers or law enforcement agencies which may be necessary to assist the Commission in making a determination of eligibility for compensation under the provisions of this chapter; provided, however, such reports and the information contained therein, when received by the Commission, shall be confidential and under no circumstances shall the Commission disclose the same except to a grand jury;
- (e) Take judicial notice of general, technical and scientific facts within their specialized knowledge;
- (f) Publicize the availability of compensation and information regarding the filing of claims therefore;
- (g) Collect all monies provided by this chapter to be collected by the Commission;
- (h) Provide for and maintain all necessary administrative facilities and personnel;
- (i) Provide for payment of all administrative salaries, fees, and expenses;
- (j) Cause its monies to be invested and its investments sold or exchanged and the proceeds and income collected;

- (k) Determine who is a victim or dependent;
- (l) Pass upon all applications for compensation or other benefits provided for in this chapter;
- (m) Authorize executive director to pass upon all supplemental applications for compensation in an amount not to exceed \$1000 and to pass upon all original applications for claims in an amount not to exceed \$2000.
- (n) Pay all compensation or other benefits that may be determined to be due under this chapter and under the rules and regulations of the Commission;
- (o) Employ such agents, attorneys, actuaries and other specialized personnel that shall be necessary or desirable to enable the Commission to carry on its functions in a proper and sound manner;
- (p) Receive by gift, grant, devise or bequest any monies or property of any nature or description;
- (q) Accept and administer loans, grants, and donations from the federal government, its agencies and all other sources, public and private, for carrying out any of its functions;
- (r) Develop a comprehensive analysis of the problems regarding victims of crime within the criminal justice system or systems of this state and formulate model programs, plans or methods for lessening the physical, mental or financial burdens placed on innocent crime victims by the operation of the criminal justice system, both on the state and local level;
- (s) Identify laws, rules or regulations proposed or adopted by any agencies or institution of this state or any political subdivision thereof which have or will have a significant adverse or beneficial impact upon crime victims and to advocate the adoption, repeal, or modification thereof in the interest of innocent victims of crime;
- (t) Collect, develop and maintain statistical information, records and reports as the Commission may determine relevant or necessary to carry out its powers, duties or functions, pursuant to the provisions of this chapter. All agencies and institutions of this state or the political subdivisions thereof shall, upon written request by the Commission, furnish to the Commission such statistical information or data as the Commission shall deem necessary to fulfill its duties and responsibilities;
- (u) Award loans or grants of money, equipment or personnel to public or private nonprofit corporations or associations, agencies of the State of Alabama or political subdivisions thereof, or to state, county, or municipal law enforcement, prosecutorial or judicial agencies upon such terms and conditions as the Commission may deem proper for the purpose of developing, enhancing or establishing bona fide model crime victims service programs which emphasize the collection of restitution from criminals as an integral part of the criminal justice process; provided, however, such loans or grants shall only be awarded when sufficient funds are available in excess of reasonably anticipated or projected claims for compensation;
- (v) Carry out any powers expressly granted elsewhere in this chapter to the Commission;
and
- (w) All other powers necessary for the proper administration of the provisions of this chapter.

262-X-3-.02 Annual Report Required.



The Commission shall publish annually a report showing the fiscal transactions of the Commission for the preceding year, the amount of the accumulated cash, and securities of the Commission and a balance sheet showing the financial condition of the Commission by means of an actuarial evaluation of the assets and liabilities of the Commission. The current agency administrative code shall be published in each year's annual report.

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

The Director of the Department of Examiners of Public Accounts shall at least once every other year and at such other times as such director shall deem appropriate cause to be performed a detailed audit of the financial affairs of the Commission and shall promptly notify the appropriate grand jury as to any possible violations of law.

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

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

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

(3) The Commission shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

262-X-3-.05 Collateral Source Contribution Not Required.

The Commission shall not require any claimant to seek or accept any collateral source contribution, unless the claimant was receiving or was entitled to receive such benefits prior to the occurrence giving rise to the claim under the provisions of this chapter; provided, however, no applicant shall be denied compensation solely because such applicant is entitled to income from a collateral source. All claimants filing a civil suit for damages resulting from the victimization for which they filed for compensation must promptly report the filing of such suit to the Commission.

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

(1) All administrative appeal hearings shall be held in accordance with the Alabama Administrative Procedures Act.

(2) All claimants shall receive a minimum of forty (40) days notice of the administrative appeal hearing.

(3) Pursuant to Code of Ala. 1975, §41-22-12(a) (2000), the Commission shall deliver to the claimant the notice of administrative appeal hearing by first class mail, postage prepaid, to be effective upon the deposit of the notice in the mail. The notice of the administrative appeal hearing shall also be delivered to the claimant by certified mail, return receipt requested.

(4) The claimant must sign the request for an administrative appeal hearing in order for it to be processed.

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

(1) A claim must be filed with the Commission within one (1) year after the death or injury upon which the claim is based or the Commission finds that there was good cause for the failure to file within that time. The date on which each claim is received by the Commission shall be documented. A completed and signed ACVCC application must be submitted in order for a compensation request to be processed. In the event that information is needed by the Commission that is not contained in the claim, said information shall be furnished to the Commission within 45 days of request of same. Failure to provide information within the time prescribed by these rules may, at the Commission's discretion, result in the dismissal of that claim.

(2) Separate claims may be filed for individual family members who are victims. However, no more than \$15,000.00 can be awarded per claim.

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

((1) The incident must have occurred on or after June 1, 1984.

(2) The incident must have been reported within 72 hours after its occurrence or the Commission must find there was good cause for the failure to report within that time. Good cause includes, but is not limited to the minority, infirmity or incapacity of the claimant.

(3) The application must be filed within one (1) year of the incident unless the Commission finds there was good cause for the failure to report within that time.

(4) The victim must have suffered bodily injury, psychological injury as the result of a direct, face to face threat of physical injury, or actual physical injury or death as a result of the criminal actions of another.

(5) The claimant or victim must cooperate fully with law enforcement and the Commission staff. If law enforcement officials or Commission staff are not satisfied with the victim's or claimant's cooperation, the Commission may deny, reduce or declare the claim ineligible.

(6) Requested expenses shall not be eligible for compensation in the event that they have been paid by a collateral source.

(7) The victim or claimant must not be the offender or an accomplice of the offender.

(8) No portion of the compensation shall benefit the offender or accomplice.

(9) If the applicant, after making application for compensation to the Commission, then perpetrates any criminally injurious conduct or is convicted of a felony, the applicant shall be ineligible for compensation.

(10) Any incident occurring at a place known for illegal activity (shot house, house of gambling, house of prostitution or drug house) or arising out of acts involving violations of the Alabama Criminal Code shall not be eligible for compensation under this chapter. This shall not include persons who were in such areas for a legitimate purpose and not involved in any type of illegal activity.

(11) Any person confined in a jail, penitentiary or other correctional facility at the time of the crime as a result of a felony conviction or who is later convicted of a felony or is confined as the result of criminally injurious conduct perpetrated on the person of another or who is later convicted of criminally injurious conduct shall not be eligible for compensation.

(13) The victim's presence in the United States of America must be lawful.

(14) Illegal aliens who are victims of human trafficking that meet the requirements set forth for the eligibility pursuant to 22 U.S.C. §7105 shall be eligible for compensation.

(15) Every claimant must provide a legible copy of his/her valid, government-issued photo ID. Failure to provide this documentation within the requested time shall result in the non-approval of the compensation claim.

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

Compensation may not be awarded "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." Contribution to the offense will be determined by the actions of the victim at the time of or immediately preceding the crime.

Compensation may be reduced or denied based on the victim's degree of contribution to the offense. The reduction or denial will be based on the extent of the degree of responsibility for the cause of injury or death attributable to the victim/claimant's actions and/or involvement in the events that led to the crime. Compensation may be reduced in whole or in part if contributory conduct is determined.

Eligibility for compensation can be affected by a victim/claimant's involvement in the events that led to the crime. The victim/claimant's actions do not have to be illegal to be deemed contributory conduct. Such actions must relate significantly to the occurrence that caused the victimization and be such that a reasonable or prudent person would know that the actions could lead to their victimization.

Contributory conduct is a voluntary action by the victim, which directly or indirectly, produced the victim's injury at the time of the victimization which gives rise to the compensation claim. This action may include, but is not limited to, provocation, drug use, alcohol intoxication, consent or incitement by the victim.

Contributory conduct is a factor when the victim knowingly participated in conduct that:

- (1) Caused, resulted in, or reasonably could have led to the specific crime which caused the victimization; or
 - (2) Was itself clearly wrongful or illegal, thereby placing him/herself in a position to be victimized; or
 - (3) Clearly put him/herself into a situation where the crime was reasonably expected and/or a prudent person would have avoided.
- (e) Contributory conduct to the offense may be determined by the victim's actions or nature of the victim's involvement in the events leading up to victimization. The following factors may be considered in the determination of contributory conduct:
- (1) Alcohol intoxication that resulted in the use of poor judgment by the victim;
 - (2) Drug use that resulted in the use of poor judgment by the victim;
 - (3) If the offender verbally insulted the victim and the victim failed to retreat, a contribution factor may be assessed;
 - (4) If it appears the victim was injured as a result of poor judgment or as a result of his/her conduct being less than that of a prudent person in the same situation, a contribution factor may be assessed;
 - (5) If it appears that the victim first physically assaulted the offender, the victim's claim for compensation may be denied.
- (f) The Commission may consider all information relevant to the circumstances, including, but not limited to:
- (1) Level of responsibility of the victim's conduct;
 - (2) Foreseeability of the consequences of such conduct;
 - (3) Ability to avoid the situation (Victim's failure to retreat or withdraw from situation where an option to do so existed.)
 - (4) Whether there is a direct causal relationship between the victim's actions and his/her victimization.

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

(1) Compensation payable to a victim or claimant sustaining economic loss due to injury or death may not exceed a total of fifteen thousand dollars (\$15,000.00).

(2) Compensation for lost wages may not exceed four hundred (\$400.00) dollars per week.

(3) The Commission may provide for the payment to a claimant in a lump sum or installments or the Commission may choose to make payments directly to the service provider. Compensation payable to service providers for medical treatment shall be compensated at a reduced rate. Outstanding charges for medical treatment, excluding psychiatric care and counseling, shall be compensated at a reduced rate of thirty percent (30%) for eligible charges up to a maximum amount of four thousand five hundred dollars (\$4,500). In instances in which the victim/claimant has already paid out-of-pocket for medical treatment and services, the victim/claimant shall be fully reimbursed for all eligible expenses.

(4) Future Economic Loss.

(a) The maximum award for future economic loss is \$5,000 per claim. Future economic loss may only be awarded in instances in which the victim's loss of future earning capacity is verifiable through his/her employment history. Future economic loss may be awarded in the following circumstances:

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

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

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

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

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

(5) No more than five thousand dollars (\$5,000.00) may be paid for expenses related to funeral, cremation, or burial.

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

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

(8) Lost wages shall be verified by obtaining written documentation from the employer or by submission of a W2 tax document. Proof must be provided that the victim/claimant paid federal and state income taxes for the period of time applicable to the requested lost wages.

(9) When a victim or claimant has an excess of fifteen thousand dollars (\$15,000.00) in bills, the victim may,



with the Commission's approval, also elect to be paid for lost wages, future economic losses, replacement services loss, etc., before the service providers are paid.

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

(11) Lost wages may be considered for the victim, claimant and immediate family members at a prorated amount, not to exceed a total sum of \$10,400. If the victim was not employed but is now disabled as a result of the crime, the victim's spouse may apply for his/her lost wages only if the spouse took time from work to care for victim. If the victim died as a result of the crime, the spouse as claimant may apply for the victim's lost wages up to 26 weeks. Anticipated work may be considered for compensation when accompanied by documentation certifying a definite start date.

(12) Lost wages are limited to \$400.00 per week for a maximum of 26 weeks. Life insurance will be considered a collateral source for all claims. In the event that life insurance does not fully compensate the victim for the eligible expenses he/she incurred as a result of the victimization, the remaining eligible expenses may be eligible for compensation.

(13) Collateral Source

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

b. Charitable donations shall not be considered a collateral source for compensation, unless the donation is specifically designated for an expense. Examples of charitable donations designated for a specific expense include, but are not limited to the following: funeral/burial expenses; medical/dental expenses; and counseling.

(14) The maximum award for moving expenses is \$1,000.00. Written estimates for moving expenses and receipts shall be required. The Commission may award the \$1000 maximum for moving expenses in cases in which the crime occurred in the victim's home or moving the victim's personal belongings is necessary.

(15) Travel Expenses.

(a) Airline tickets or mileage at the State of Alabama's current rate for state employees and the current State of Alabama per diem rate. Travel expenses for the victim and one family member, or person of the victim's choosing, may be awarded to travel out of town to attend the victim's trial, or any post judgment proceeding, if not subpoenaed as a witness. In instances in which the victim is deceased, travel may be awarded to two immediate family members. Travel will be allowed for two immediate family members to travel out of town to attend the victim's trial if not subpoenaed as a witness. Out of town travel will be allowed for medical and psychological treatment that is needed as a result of the victimization. Out of town travel required to procure needed services may be considered for the victim, claimant and immediate family members at a prorated amount. Out of town travel expenses may be awarded for emergency circumstances, as determined by the Commission.

(b) Travel expenses for the victim and one family member, or person of the victim's choosing, may be awarded for the victim to attend his or her offender's parole hearing. In instances in which the victim is deceased, travel may be awarded to two immediate family members or victim representatives. These requests will only be considered as a supplemental to an original claim. (There must be a timely, approved compensation claim in order for parole travel expenses to be considered. The Commission will not consider parole travel expenses filed as an original claim.) Eligible parole travel expenses will be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of Alabama's current rate for state employees. 262-X-4-.04 (16) (b) shall be retroactive to the date of the Commission's inception.

(c) Travel expenses for immediate family members to travel out of town to attend the victim's funeral may be considered for reimbursement. Eligible funeral travel expenses shall be reimbursed at the current State of Alabama per diem rate, and airline tickets or mileage at the State of Alabama's current rate for state

employees.

(d) In order to qualify for reimbursement for out of town travel, the destination must be greater than ten miles from the home of the person requesting compensation.

(e) Rental Cars. In instances in which the person requesting compensation has rented an automobile for eligible travel expenses, the person may be reimbursed for mileage or a daily rental car fee of \$35. Under no circumstances shall the requesting person receive both.

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

The maximum award for property reimbursement and replacement is \$1,000 per claim.

The claimant shall provide estimates or receipts for the damaged property for which reimbursement is requested.

The maximum reimbursement for damaged clothing is \$500. This shall be considered as part of the \$1,000 maximum award for damaged property. Damaged clothing may be reimbursed as follows:

- Pants, jeans or skirt - \$40 maximum per item;
- Shorts or capri pants - \$20 maximum per item;
- Dresses - \$60 maximum per item;
- Shirts and tops - \$30 maximum per item;
- Footwear - \$75 maximum per pair;
- Jacket, coat or blazer - \$75 maximum per item;
- Underwear - \$5 maximum per item;
- Socks and hosiery - \$4 maximum per pair;
- Sleepwear - \$25 maximum.

Additional property eligible for reimbursement:

Security enhancement - alarm systems, fencing and burglar bars for real property owned by the victim;

Prescription eyeglasses and contact lenses. The maximum award for damaged prescription eyeglasses is \$250. The maximum award for damaged prescription contact lenses is \$10.

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

- 1) Sofa/couch - \$450 maximum;
- 2) Loveseat/chair and a half - \$300 maximum;
- 3) Upholstered chair/recliner - \$200 maximum;
- 4) Coffee table - \$150 maximum;
- 5) End table/side table - \$100 maximum;
- 6) Bed - \$300 maximum;
- 7) Dresser/armoire/chest of drawers - \$250 maximum;
- 8) Nightstand - \$100 maximum;
- 9) Mattress set - \$400 maximum;
- 10) Sheet Set - \$35 maximum;
- 11) Pillow - \$10 maximum;
- 12) Comforter/bedspread - \$65 maximum;
- 13) Blanket - \$25 maximum;
- 14) Dinette/dining set - \$300 maximum;



- 15) Lamp - \$30 maximum;
- 16) Refrigerator - \$400 maximum;
- 17) Microwave - \$50;
- 18) Eligible property in this category that is not specifically addressed shall be reimbursed at a reasonable rate as determined by the Commission.

The following property shall not be eligible for reimbursement:

- Guard dogs;
- Weapons of any type;
- Automobile repair or replacement costs;
- Cash and/or checks;
- Purses, wallets or other similar items;
- Computers, telephones, Blackberries, I-pods and other similar devices;
- Jewelry;
- All-terrain vehicles and similar devices;
- Bicycles, scooters and similar devices;
- Toys;
- Hairpieces;
- Televisions, DVD players and discs, VCRs and tapes, stereos, CD players and discs, cameras, video-recorders, game systems and other similar devices.

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

- a) Any expense related to the prosecution of the criminal case. (Examples: expert testimony and witnesses; DNA testing and analysis; evidence photographs and videos; blood samples and travel expenses for witnesses subpoenaed to testify.);
- b) All legal fees shall be excluded from payment except legal fees incurred to establish a legal guardian for the victim as defined by Alabama Administrative Code (ACVCC) 262-X-4-.04 (24).

(18) Lost wages and future economic loss may both be considered, but not to exceed a maximum of \$10,400 per claim.

(19) A maximum of \$1500.00 for replacement services may be awarded per claim.

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

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

(22) In instances in which a victim/claimant is approved for charity by a service provider, the charity approval shall be considered a collateral source and compensation shall not be paid to the service provider.

(23) In instances in which the claimant must seek legal guardianship of a minor and/or disabled victim in order to qualify for crime victims' compensation benefits, the Commission may consider reimbursement of legal fees incurred for obtaining guardianship. The maximum that may be awarded for legal fees is \$500. Legal fees incurred for any reason other than obtaining guardianship shall not be eligible for reimbursement. The Commission shall not reimburse legal fees in the instance the claimant is not granted guardianship of the victim.

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

(25) Crime Scene Clean-Up. The Commission may provide compensation to an individual or to the service provider if the expense is outstanding, for the reasonable costs to clean the scene of the crime in an amount not to exceed \$2,000. The service provider must be certified, licensed, and in compliance with all applicable federal and state regulations. Crime scene clean-up expenses may only be awarded for the cleaning and removal of biohazards.

262-X-4-.05 Emergency Awards.

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

- (a) The applicant is without income at the time of application or immediately prior thereto resulting in loss of food, heat or shelter;
- (b) The applicant is in fear or danger for his/her life due to his/her victimization; or
- (c) The applicant cannot receive emergency services without emergency payment;
- (d) Crime scene clean up shall be considered an emergency service.
- (e) Prescription drugs that have been prescribed as a result of victimization shall be considered an emergency product. A copy of the prescription and the pharmacy's statement of the cost of the drug must be received by the Commission in order for the prescription expense to be considered for emergency payment. Prescriptions for pre-existing medical conditions shall not be considered for reimbursement.

The applicant may request in the initial application that consideration be given for an emergency award and provide justification for such award. A decision denying an emergency award shall not be appealable. The amount of such emergency award shall not exceed one thousand dollars (\$1,000.00) unless otherwise noted herein. An emergency award shall be deducted from the final compensation made to the applicant. If the final award is less than the amount of the emergency award, the applicant must repay the excess award to the Commission. All emergency awards are subject to the Code of Ala. 1975.

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

- (1) An award shall not be subject to state or municipal taxation or to execution, attachment, or garnishment, except as same may pertain to an obligation for the support of dependent children or as the same may pertain to a creditor which has provided products, services or accommodations, the cost of which are included in the award.
- (2) An assignment by the claimant to any future award is unenforceable, except:
 - (a) an assignment of any award for work loss to assure payment of court ordered child support; or



(b) an assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

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

(1) Qualified Providers

(a) To receive payments for counseling/psychotherapy, the mental health professional must be licensed by the State of Alabama. Psychiatrists, psychologists, licensed professional counselors, and licensed clinical social workers are required to have an active license by their respective professional licensing board.

(2) Appropriate Treatment

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

(b) The clinician shall be required to provide the Commission with quarterly updates certifying that the treatment is necessary and the result of victimization.

(c) The clinician must provide an itemized list of treatment sessions.

(3) Eligibility for Payment. Those eligible for counseling costs enumerated in the law are:

(a) VICTIM: A person who suffered serious bodily injury, psychological injury as the result of a direct, face to face threat of physical injury or death as a result of criminally injurious conduct.

(b) 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.

(c) CLAIMANT: Any of the following persons applying for compensation under this chapter:

1. A victim;

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

3. a person authorized by law to act on behalf of a victim or dependent of a deceased victim if such victim died as a result of criminally injurious conduct;

4. a victim's immediate family members as defined by the State of Alabama Family and Medical Leave Act requirements.

(4) Cost Containment

(a) Individual Therapy Rates:

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

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

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

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

(c) Counseling shall not exceed \$6,250, or 50 sessions, unless exigent circumstances exist and the amount of the expenses for counseling will be expended before the victim/claimant has been adequately assisted on an outpatient basis. Exigent circumstances may include, but are not being limited to homicide survivors, child victims, and Post traumatic stress disorder in which the victim/claimant requires continuing therapy. In no instance shall counseling expenses exceed \$8,000. Reasonable effort should be made to inform victim/claimants counseling services are provided by community mental health centers on a sliding fee schedule. Inpatient treatment shall be considered a medical condition for purposes of compensation.

(d) Supplemental therapy bills may be submitted to ACVCC as accrued, for consideration of payment. They will only be considered and paid every three (3) months.

(e) In instances in which counseling services have been provided by mental health centers, ACVCC will only pay what the victim has been charged on a sliding fee scale.

(5) **Criteria for Payment of Counseling.** Eligibility for payment of counseling expenses is based upon the following factors:

(a) The reasonableness of the charges;

(b) The relationship between the therapy and the crime;

(c) The cooperation of the therapist in submitting the requested information which includes evidence that therapy is necessary as a result of the crime, a bill indicating dates, times and cost of therapy, evidence that the therapist is licensed or, if not, evidence that the therapist is supervised regularly by a psychologist or psychiatrist.

CHAPTER 262-X-5 COOPERATION WITH LAW ENFORCEMENT

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

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

(a) The claimant's failure to assist and cooperate with the prosecution of the case or to appear as a witness shall constitute noncooperation and the claim shall be denied.

(b) In instances in which the claimant initially fails to cooperate with law enforcement but subsequently begins to cooperate, compensation may be reduced or denied to the extent which his/her failure to cooperate hindered the investigation and/or prosecution of the case.

(c) If law enforcement indicates that the claimant was reluctant to give information pertaining to the crime; failed to appear when requested, without good cause, gave false or misleading information, or attempted to avoid law enforcement, the award shall be denied.

(d) A claimant's failure to cooperate with ACVCC's processing of the claim shall also be a basis for rendering a claim ineligible.

CHAPTER 262-X-6 COMPENSATION BENEFITING OFFENDER

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

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

262-X-6-.02 Domestic Abuse.

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

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



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

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

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

CHAPTER 262-X-7 RECOVERY FROM COLLATERAL SOURCES

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

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

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

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

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

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

(6) Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the Commission may initiate restitution hearings in such criminal proceedings or intervene in same. The Commission shall be entitled to receive restitution in such proceedings to the extent that compensation was awarded. The Commission shall be subrogated to all the rights and remedies of such claimant for the collection of restitution to the extent compensation was awarded; provided, however, the Commission shall be exempt from the payment of fees or other charges for the recording of restitution orders in the offices of the judges of probate.

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

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

CHAPTER 262-X-8 PENALTIES FOR FILING FALSE CLAIMS

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

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

(2) Any person who shall knowingly fail or omit to disclose a material fact or circumstance to the Alabama Crime Victims Compensation Commission or to any member, agent or employee thereof which is material to a claim for an award of compensation with the intent to defraud the Commission or with the intent to cause a person to receive an award of compensation to which such person is not entitled shall be guilty of a Class C felony.

CHAPTER 262-X-9 APPEALS PROCEDURE

262-X-9-.01 Appeals Procedure.

- (1) In the event an application is approved in a modified form, denied or rendered ineligible, the executive director of the Commission shall notify the claimant by certified mail, return receipt requested, within ten (10) calendar days of the Commission's action setting forth the basis of the Commission's decision.
- (2) The claimant shall have the right to appeal and may do so by notifying the executive director in writing by certified mail, return receipt requested, of the intent to appeal within thirty (30) calendar days of the date of the notification letter setting forth the Commission's decision. Regular mail is accepted, however, certified mail is strongly recommended.
- (3) The claimant shall then be entitled to a formal hearing before the Commission.
- (4) In an appeal hearing, all parties shall be afforded an opportunity to appear and be heard.
- (5) The Commission may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.
- (6) The Commission shall render its decision relative to the appeal within ten (10) calendar days of the formal hearing and the applicant will be notified by mail.
- (7) An impartial hearing officer from the attorney general's office shall be provided by the Commission to preside over all hearings and perform such parliamentary functions as said hearing officer deems necessary. Witnesses may also be subpoenaed when a timely request to do so is submitted by the victim/claimant.
- (8) A certified court reporter shall be used to transcribe each appeal hearing. A record of the proceedings shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Commission.
- (9) The victim or claimant forfeits his/her rights to an appeal if said victim requests a hearing and fails to appear without good cause.

CHAPTER 262-X-10 ATTORNEY'S FEES**262-X-10-.01 Attorney's Fees.**

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

CHAPTER 262-X-11 SEXUAL ASSAULT**262-X-11-.01 Sexual Assault Examination Payments.**

Program Description: This section provides for payment of the initial forensic examination which is performed on victims of sexual offenses for the purpose of obtaining evidence to pursue criminal charges against sexual assault offenders. Expenses incurred for processing sexual assault examination kits are eligible. Sexual assault examination kits developed by the Alabama Department of Forensics and comparable kits shall be eligible for payment pursuant to this section. Child sexual assault examinations shall also be eligible for payment pursuant to this section.

- (1) Application and Payment Procedures
 - (a) Charges for the sexual assault examination must be submitted by a hospital, physician or SANE (Sexual Assault Nurse Examiner) program to be eligible for payment pursuant to this section.
 - (b) Payment for the examination shall be made regardless of whether the victim pursues prosecution of the offender.
 - (c) Testing and preventative treatment for sexually transmitted diseases and pregnancy shall be eligible for payment pursuant to this section when submitted with proper documentation. The victim must make application for compensation to have other treatment related to the incident considered for payment.
- (2) Payment for the following shall not be eligible for payment under this section:
 - (a) treatment for injuries;
 - (b) medication such as anti-depressants, sedatives or tranquilizers.
 - (c) Payment shall be submitted directly to the service provider unless payment has been made by the victim in which case the victim shall be reimbursed.

262-X-11-.02 Eligibility Criteria For Sexual Assault Payments.

In order to be eligible for payment, the request or billing statement must meet the following criteria:

- (1) Expenses must have been incurred on or after July 27, 1995;
- (2) The victim is not required to report the sexual assault to law enforcement in order to be eligible pursuant to this section.



- (3) The victim is not required to prosecute in order to be eligible under this section. If investigation determines that a rape or sexual assault did not occur (i.e., repeat false reports), the submitted bill shall be denied;
- (4) The Commission shall reduce an award amount by the amount already received from a collateral source;
- (5) Reimbursement shall not be made for the cost of the Sexual Assault Evidence Collection Kit if the kit was provided at no cost to the health care provider.

CHAPTER 262-X-12 DOMESTIC VIOLENCE

262-X-12-.01 Domestic Violence Emergency Award.

Program Description: The purpose of this award is to assist domestic violence victims in establishing independent, violence-free living by providing assistance with emergency, daily living expenses.

Eligibility Criteria: In order for an applicant to qualify for assistance pursuant to this section, the following criteria must be met:

The victim and offender must have been household members and residing together at the time of the incident that is the basis for this claim (except in instances of a violation of a valid Protection from Abuse/Restraining Order);

The victim must no longer reside with the offender;

The victim must be a current resident of an Alabama Coalition Against Domestic Violence Shelter for no less than ten consecutive days or receiving non-residential services from a Domestic Violence Shelter Program with a minimum of three face to face contacts with Domestic Violence Shelter Program personnel;

The incident made the basis of this claim must be reported to law enforcement within seventy-two hours of its occurrence, unless the Commission finds there was good cause for the failure to report within that time. Examples of good cause are: kidnapping and physical incapacitation of the victim due to injury;

An incident/offense report is required in order to process the application;

Violations of a valid Protection from Abuse/Restraining Order that involve a face-to-face contact with the threat of physical violence are eligible pursuant to this section when the violation is reported to law enforcement within seventy-two hours, unless the Commission finds there was good cause for the failure to report within that time;

In instances in which the qualifying incident is a violation of a valid Protection from Abuse/Restraining Order, a legible copy of the Order must be included with the application;

The victim must submit a legible copy of a valid government-issued photo ID;

A copy of the Case Action Plan must be submitted;

Valid receipts must be submitted for all requested expenses. The victim's and/or shelter's estimates for expenses are not acceptable. Failure to submit proper documentation will result in the non-approval of the claim and/or expense;

The victim and shelter personnel must cooperate fully with the Commission;

The victim must cooperate with law enforcement. Cooperation includes signing a warrant against the offender and a willingness to assist in the prosecution of the offender;

The victim must not have contributed to the incident. Contribution shall be determined by the guidelines set forth in the Alabama Administrative Code (ACVCC) 262-X-4-.03. In instances in which a contribution factor is assessed, the claim may be reduced or denied depending on the level of responsibility attributable to the victim's actions;

The victim must not have been on probation or parole or any type of non-custodial release for a violent felony conviction at the time of victimization;

The victim must not be convicted of a felony or criminally injurious conduct after making application;

The award must not unjustly benefit the offender.

Eligible Expenses. The following expenses are eligible for compensation pursuant to this section, providing all eligibility criteria has been met and proper documentation has been submitted:

Emergency/Daily Living Needs. Compensation may be awarded for:

Per diem at the current rate for state of Alabama employees may be awarded for a maximum period of five days in instances in which the victim must temporarily reside in a hotel/motel;
 Housing deposit - \$400 maximum;
 Rent - \$700 per month maximum;
 Telephone connection – basic landline service or mobile phone. - \$40 maximum. Under no circumstances shall the requesting person receive compensation for both;
 Property storage fees - \$200 maximum;
 Food/toiletries - \$250 maximum per claim (receipts are required for reimbursement).

Needed Products. Compensation may be awarded for products necessary for daily living:

Prescription eyeglasses or prescription contact lenses left behind or damaged while fleeing the offender. The property reimbursement schedule in 262-X-4-.04 (17) (4) (b) shall apply to awards made pursuant to this provision. A copy of the victim's prescription must be provided by the victim's eye care provider;
 Other products necessary for daily living may considered for reimbursement by the Commission.

Moving Expenses. Moving expenses incurred by the victim to move from the home that was cohabited with the offender may be considered. Moving expenses may also be considered in instances in which the victim is in fear or danger for his/her life due to the offender's threats and his/her knowledge of the victim's current residence. Receipts must be provided for all requested expenses. In order for the victim's mileage expenses for moving to be eligible pursuant to this section, the destination must be greater than ten miles from the residence of the victim. In instances in which the victim is residing in shelter, the shelter shall be the victim's residence for purposes of moving reimbursement.

Document Replacement. Replacement costs may be awarded for the following documents if they were destroyed by the offender or left behind while fleeing the offender:

Government-issued photo ID;
 Birth certificate.

Day Care. Compensation for day care expenses may be awarded in instances in which the expense was incurred as a result of fleeing the offender.

Emergency Replacement Needs. Compensation may be awarded for the following property in instances in which it was damaged or left behind as a result of fleeing the offender:

Schoolbook replacement for dependent, minor children whose schoolbooks were damaged or left behind as a result of fleeing the offender (\$25 per book maximum) Verification/documentation must be received from the child's school;
 School supply replacement for dependent, minor children whose school supplies were damaged or left behind as a result of fleeing the offender (\$50 maximum);
 Clothing left behind or damaged while fleeing the offender. The victim and each minor, dependent child may receive reimbursement for a maximum of five outfits and two pairs of shoes. The property reimbursement schedule in 262-X-4-.04 (17) (3) shall apply to awards made pursuant to this provision.

Exclusion from Payment. The following expenses shall not be eligible for compensation pursuant to this section:



Automobile repair, broken windows, and slashed tires;
 Victim's lost wages;
 Offender's lost wages;
 Outstanding bills;
 Additional utility and telephone connection fees due to outstanding bills;
 School activity fees;
 Physician fees and hospital fees;
 Requests for reimbursement of expenses when violence free living has already been established (eligible expenses may be considered through a regular compensation claim);
 Expenses that are not supported by valid documentation.

Maximum Award. The maximum award pursuant to this section is \$1,000.

262-X-13 SPECIAL SERVICES

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

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

(1) Definitions:

- (a) Limited-English-Proficient Persons: Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the ACVCC.
- (b) Appropriately trained:
 - (1) Proficiency in both English and the language spoken by the LEP individual;
 - (2) Orientation or training that includes the ethics of interpreting; and
 - (3) Fundamental knowledge in both languages of specialized terms and concepts.
- (c) Vital documents: Documents that individuals applying for compensation benefits must understand, respond to or complete in order to access the crime victims compensation program. Vital documents also include documents that inform the victim/claimant of his/her rights.

(2) Language Assistance Procedure

Oral Language Interpretation

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

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

Outside interpreter services;

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

A telephone language interpreter service.

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

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

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

- (a) ACVCC will inform the victim/claimant that the agency will provide an interpreter at no cost to the victim/claimant.
- (b) If the victim/claimant makes an informed choice to use an interpreter who is not qualified, ACVCC will have the victim/claimant sign a form documenting that choice.
- (c) The interpreter will sign an acknowledgement of his/her responsibility and provide an oral translation of the informed choice statement to the victim/claimant.
- (d) These actions will be documented in the victim's/claimant's file with copies of the signed documents.
- (e) ACVCC will utilize the services of a qualified interpreter to ensure accurate interpretation, when the victim/claimant's chooses to utilize the services of a non-certified qualified interpreter.

(5) Translation of Written Materials

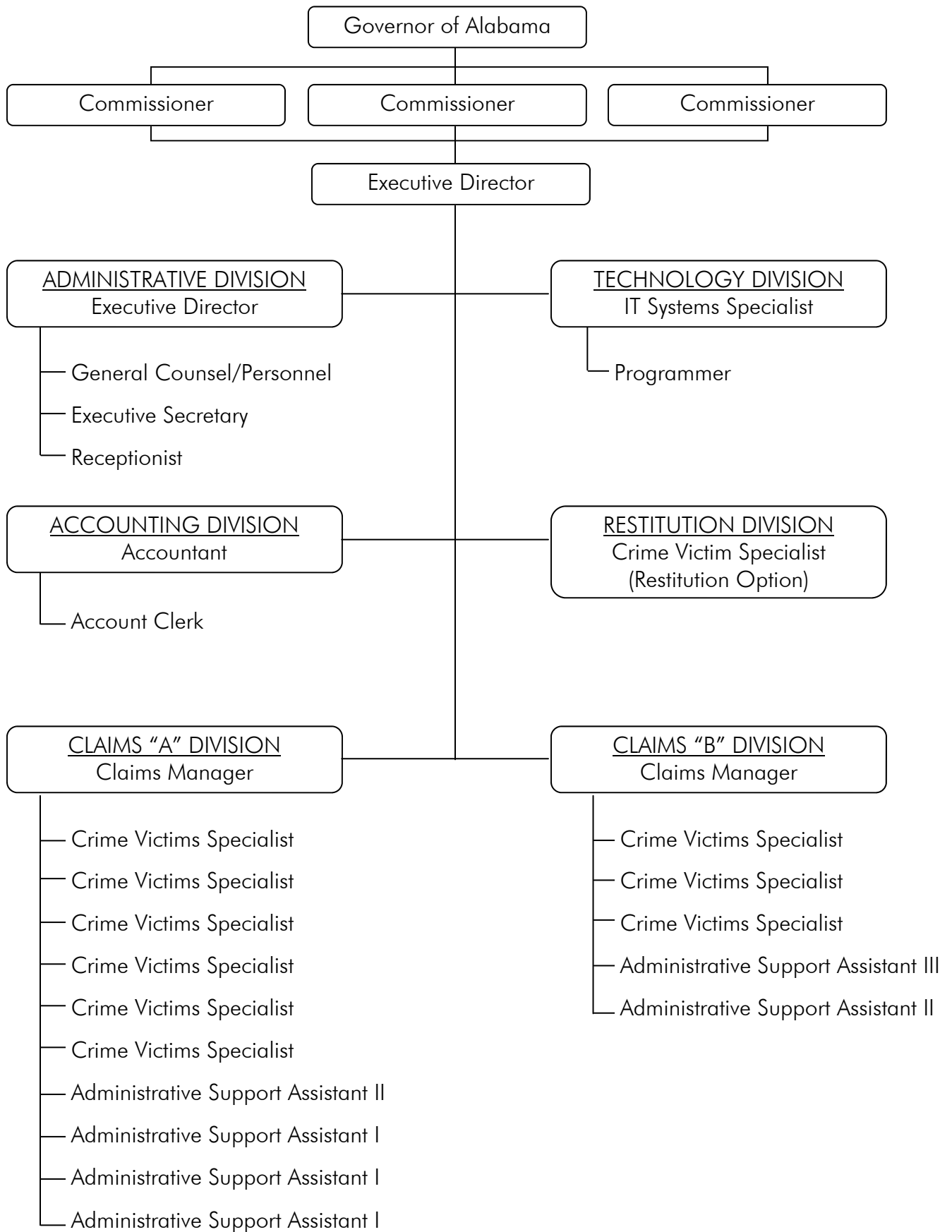
- (a) ACVCC shall provide all vital documents, including the claim application, in Spanish in hard copy and on the ACVCC website, if appropriate.
- (b) The ACVCC shall review the LEP policy, frequency of contact with LEP individuals, and general population data for the state of Alabama at the beginning of each fiscal year in order to determine if the LEP population demographics have changed to include a significant number of LEP individuals who require translation/interpretation services in some language other than Spanish.

In the instance that an LEP victim/claimant requires vital documents and an interpreter in a language other than Spanish, the ACVCC shall make all vital documents available to the victim/claimant in his/her language as soon as possible, without delay. A telephone translation service will be utilized immediately to communicate with the victim/claimant and advise him/her that the vital documents will soon be available in his/her language.

Notice to LEP Individuals: ACVCC will provide effective notice to LEP individuals that they have the right to language assistance and that such assistance is free of charge.



ORGANIZATIONAL CHART





Homicide: One person is murdered every 31 minutes.²

Rape: One person is raped every 1.9 minutes.³

Aggravated Assault: One person is assaulted every 36.9 seconds.⁴

Larceny-Theft: One home is victimized by theft every 4.8 seconds.⁵

Burglary: One home is burglarized every 18 seconds.⁶

Domestic Violence: One woman is victimized by an intimate partner every 52 seconds. One man is victimized every 3.5 minutes.⁷

Child Abuse and Neglect: One child is reported abused or neglected every 34.9 seconds.⁸

Drunk Driving: One person is killed in an alcohol-related traffic crash every 40.4 minutes.⁹

Identity Fraud: One person becomes a victim of identity theft every 4.9 seconds.¹⁰

Elder Abuse: One elderly person is victimized by a violent crime every 4.2 minutes.¹¹

Hate Crime: One hate crime is reported to the police every 69 minutes.¹²

¹ DVRC's statistics were compiled by the National Center for Victims of Crime of Using the Ohio Area Crime Clock.
² Federal Bureau of Investigation, "Crime in the United States, 2007, Homicide" (Washington, DC: FBI, 2008), http://www.fbi.gov/ncj/2002/offenses/offense_crimeclock_homicide.html (accessed August 14, 2008).
³ Norman F. Tolson and Richard Kim, "Criminal Victimization, 2005," (Washington, DC: Bureau of Justice Statistics, 2007), 3, http://www.oas.samhsa.gov/2k6/crime/victimization_2005.pdf (accessed August 25, 2008).
⁴ Federal Bureau of Investigation, "Crime in the United States, 2007," Table 1, 9 table.
⁵ FBI, Table 23.
⁶ Bureau of Justice Statistics, "Criminal Victimization in the United States, 2005: Statistical Tables" (Washington, DC: Bureau of Justice Statistics, 2006), Table 34, Table 43a, http://www.oas.samhsa.gov/2k6/crime/victimization_2005.pdf (accessed September 02, 2008).
⁷ Children's Bureau, "Child Abuse and Neglect, 2005," (Washington, DC: U.S. Department of Health and Human Services, 2006), 26, <http://www.hhs.gov/ohr/programs/childabuseandneglect/2005/2005-10-10-Safety-Current-Development-Highlights/> (Washington, DC: U.S. Department of Health and Human Services, 2005), Table 3, <http://www.hhs.gov/ohr/programs/childabuseandneglect/2005/2005-10-10-Safety-Current-Development-Highlights/> (accessed August 25, 2008).
⁸ Mary T. Runtz, "2007 Identity Fraud Survey Report" (Washington, DC: Identity Theft and Research Center, 2007), <http://www.identitytheft.org/IDIRSurveyReport.html> (accessed August 24, 2008).
⁹ California, "Criminal Victimization," 4.
¹⁰ Federal Bureau of Investigation, "Crime Statistics, 2007," (Washington, DC: U.S. Department of Justice, 2007), Table 2, http://www.fbi.gov/ncj/2002/offenses/offense_crimeclock.html (accessed August 25, 2008).



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