

1 SB126
2 216161-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 01-FEB-22

8 SYNOPSIS: The Alabama Crime Victims Compensation
9 Commission provides qualified victims of violent
10 crimes financial benefits for eligible expenses,
11 including funeral costs, medical treatment,
12 counseling, sexual assault exams, travel, and
13 economic loss.

14 Under existing law, the Alabama Crime
15 Victims Compensation Commission meets monthly to
16 determine the eligibility for all compensation
17 claims above \$2,000.

18 Under existing law, the executive director
19 determines the eligibility for all compensation
20 claims of \$2,000 and below.

21 This bill would allow the executive director
22 to determine the eligibility of all compensation
23 claims and approve payments daily to increase
24 efficiency and expedite payments to victims of
25 violent crimes.

26 This bill would require the Alabama Crime
27 Victims Compensation Commission to meet quarterly.

1 This bill would require the commission hear
2 all contested cases and authorize the commission to
3 affirm, reverse, or modify the executive director's
4 claim eligibility decision.

5 This bill would also make nonsubstantive,
6 technical revisions to update the existing code
7 language to current style.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to the Alabama Crime Victims Compensation
14 Commission; to amend Sections 15-23-4 and 15-23-5, Code of
15 Alabama 1975, to further provide for meetings; to further
16 provide for the determination of eligibility for compensation
17 claims; to provide for a review of contested cases by the
18 commission; and to make nonsubstantive, technical revisions to
19 update the existing code language to current style.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 15-23-4 and 15-23-5, Code of
22 Alabama 1975, are amended to read as follows:

23 "§15-23-4.

24 "(a) ~~There is hereby created the~~ The Alabama Crime
25 Victims Compensation Commission, ~~which is created and~~ shall be
26 composed of three ~~citizens~~ residents of ~~the State of Alabama~~
27 this state, who shall be appointed by the Governor with the

1 advice and consent of the Senate, for terms of four years each
2 or until their successors are appointed and qualified.

3 Provided however, initial appointments shall be as follows:

4 One member shall be appointed for two years, one member shall
5 be appointed for three years, and one member shall be
6 appointed for four years. All appointments to fill vacancies
7 shall be for the duration of the unexpired term and subsequent
8 appointments shall be for four-year terms. The membership of
9 the board shall be inclusive ~~and reflect the racial, gender,~~
10 ~~geographic, urban/rural, and economic diversity of the state~~
11 and the Governor shall coordinate his or her appointments so
12 that the diversity of gender, race, and geographical areas is
13 reflective of the makeup of this state.

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

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

1 "(d) Each year the commission shall elect a ~~chairman~~
2 chair from its membership.

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

7 "(f) The commission shall have its principal place
8 of business in the county ~~wherein~~ where the State Capitol is
9 located.

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

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

19 "(i) ~~From time to time the~~ The commission shall
20 establish rules and regulations for the administration of its
21 duties and responsibilities pursuant to this chapter.

22 "(j) The ~~chairman~~ chair of the commission shall keep
23 a true record of all of the proceedings of the meetings of the
24 commission. At the call of any member, at the vote on any pending
25 question shall be taken by ayes and nays, and the same shall
26 be entered in ~~such~~ the record, ~~the~~. The record of the
27 proceedings of the commission shall be open to any member of

1 the commission and to the public ~~at all times and a.~~ a. A copy of
2 ~~such the~~ record, certified by the ~~chairman~~ chair, shall be
3 competent evidence in all courts.

4 "(k) The commission ~~shall decline to~~ may not
5 disclose the names and addresses of victims or claimants who
6 have applied for compensation pursuant to this article or the
7 facts or circumstances of the criminally injurious conduct
8 perpetrated against them.

9 "~~(k)~~ (l) All members and employees of the commission
10 handling money or exercising authority over any property
11 ~~shall~~, before entering the discharge of their duties, shall
12 ~~give~~ provide a bond with a surety company authorized to do
13 business in ~~the State of Alabama~~ this state, as surety,
14 payable to the commission in an amount or amounts sufficient
15 to protect the commission against any loss with respect to the
16 funds, money, or property handled, conditioned for the
17 faithful discharge of their duties and responsibilities and
18 further conditioned upon their faithfully accounting for all
19 ~~moneys~~ monies, funds, or properties coming into their
20 possession in the capacity of their employment.

21 "~~(l)~~ (m) The Attorney General or the district
22 attorney of the county ~~wherein~~ where the State Capitol is
23 located ~~shall~~, upon written request by the commission, shall
24 represent the commission in all litigation ~~to which~~ where the
25 commission is a party or in which the commission has an
26 interest. The Attorney General shall serve as a legal advisor
27 to the commission.

1 "~~(m)~~ (n) All commission members shall be paid two
2 hundred fifty dollars (\$250) per day and mileage for
3 attendance of commission meetings. Mileage and per diem shall
4 be the same as allowed state employees when a commission
5 member is traveling on official business of the commission and
6 shall be paid from the Alabama Crime Victims Compensation
7 Fund.

8 "§15-23-5.

9 "The commission shall have all the powers and
10 privileges of a corporation and all of its business shall be
11 transacted in the name of the commission. In addition to any
12 other powers and duties specified elsewhere in this article,
13 the commission ~~shall have the power to~~ may do any of the
14 following:

15 "(1) Regulate its own procedures except as otherwise
16 provided in this chapter.

17 "(2) Define any term not defined in this article.

18 "(3) Prescribe forms necessary to carry out the
19 purposes of this article.

20 "(4) Obtain access to investigative reports made by
21 law enforcement officers or law enforcement agencies which may
22 be necessary to assist the commission in making a
23 determination of eligibility for compensation under this
24 article; provided, h however, the reports and the information
25 contained herein, when received by the commission, shall be
26 confidential and under no circumstances ~~shall~~ may the
27 commission disclose the same except to a grand jury.

1 "(5) Take judicial notice of general, technical, and
2 scientific facts within their specialized knowledge.

3 "(6) Publicize the availability of compensation and
4 information regarding the filing of claims ~~therefor~~.

5 "(7) Collect all ~~moneys~~ monies provided by this
6 article to be collected by the commission.

7 "(8) Provide for and maintain all necessary
8 administrative facilities and personnel.

9 "(9) Provide for payment of all administrative
10 salaries, fees, and expenses.

11 "(10) Cause its ~~moneys~~ monies to be invested and its
12 investments sold or exchanged and the proceeds and income
13 collected.

14 "(11) Determine who is a victim or dependent.

15 "(12) ~~Pass upon~~ Consider all applications for
16 compensation or other benefits provided for in this article.

17 "(13) a. Authorize the executive director to ~~pass~~
18 ~~upon~~ determine eligibility for all supplemental applications
19 for compensation in an amount not to exceed one thousand
20 dollars (\$1,000) and to pass upon all original applications
21 for claims in an amount not to exceed two thousand dollars
22 (\$2,000) and authorize payment for approved and reduced
23 claims.

24 "b. The commission shall review all contested cases
25 pursuant to the Alabama Administrative Procedure Act. The
26 commission may affirm, reverse, or modify the executive
27 director's claims decisions.

1 "(14) Adopt rules ~~and regulations as may be~~
2 ~~necessary or desirable~~ to expedite the administration of the
3 affairs of the commission not inconsistent with this article.

4 "(15) Provide descriptive literature and promotional
5 items respecting the commission and its duties.

6 "(16) Pay all compensation or other benefits that
7 may be determined to be due under this article and under the
8 rules ~~and regulations~~ of the commission.

9 "(17) Employ ~~such~~ agents, attorneys, actuaries, and
10 other specialized personnel ~~as shall be necessary or desirable~~
11 ~~to enable~~ as needed by the commission ~~to carry on its~~
12 ~~functions in a proper and sound manner.~~

13 "(18) Receive by gift, grant, devise, or bequest any
14 ~~moneys~~ monies or properties of any nature or description.

15 "(19) Accept and administer loans, grants, and
16 donations from the federal government, its agencies, and all
17 other sources, public and private, for carrying out any of its
18 functions.

19 "(20) Develop a comprehensive analysis of the
20 problems regarding victims of crime within the criminal
21 justice system or systems of this state and formulate model
22 programs, plans, or methods for lessening the physical,
23 mental, or financial burdens placed on innocent crime victims
24 by the operation of the criminal justice system both on the
25 state and local level.

26 "(21) Identify laws, rules, or regulations proposed
27 or adopted by any agency or institution of this state or any

1 political subdivision thereof which have or will have a
2 significant adverse or beneficial impact upon crime victims
3 and to advocate the adoption, repeal, or modification thereof
4 in the interest of innocent victims of crime.

5 "(22) Collect, develop, and maintain statistical
6 information, records, and reports ~~as the commission may~~
7 ~~determine relevant or necessary~~ to carry out its powers,
8 duties, or functions pursuant to this article. All agencies
9 and institutions of this state or the political subdivisions
10 thereof ~~shall~~, upon a written request by the commission, shall
11 furnish ~~to~~ the commission statistical information or data as
12 requested by the commission ~~shall deem necessary~~ to fulfill
13 its duties and responsibilities.

14 "(23) Award loans or grants of money, equipment, or
15 personnel to public or private nonprofit corporations or
16 associations, agencies of the State of Alabama or political
17 subdivisions thereof, or to state, county, or municipal law
18 enforcement, prosecutorial, or judicial agencies upon terms
19 and conditions as the commission may deem proper for the
20 purpose of developing, enhancing, or establishing bona fide
21 model crime victims service programs which emphasize the
22 collection of restitution from criminals as an integral part
23 of the criminal justice process, ~~but the~~. The loans or grants
24 shall only be awarded when sufficient funds are available in
25 excess of reasonably anticipated or projected claims for
26 compensation.

1 "(24) Provide for the cost of forensic medical
2 examinations for the purpose of gathering evidence and
3 treatment for preventing ~~venereal disease~~ sexually transmitted
4 infections in sexual abuse crimes and offenses.

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

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

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.