

**ALABAMA CRIME VICTIMS COMPENSATION COMMISSION
ADMINISTRATIVE CODE**

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

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262-X-3-.01 The Commission-General Powers And Duties.

The Commission shall have all the powers and privileges of a corporation and all of its business shall be transacted in the name of the Commission. In addition to any other powers and duties specified elsewhere in this chapter, the Commission may do any of the following:

1. Regulate its own procedures except as otherwise provided in this chapter;
2. Define any term not defined in this chapter;
3. Prescribe forms necessary to carry out the purposes of this chapter;
4. Obtain access to investigative reports made by law enforcement officers or law enforcement agencies which may be necessary to assist the Commission in making a determination of eligibility for compensation under the provisions of this chapter; provided, however, such reports and the information contained therein, when received by the Commission, shall be confidential and under no circumstances may the Commission disclose the same except to a grand jury;
5. Take judicial notice of general, technical and scientific facts within their specialized knowledge;
6. Publicize the availability of compensation and information regarding the filing of claims;

7. Collect all monies provided by this chapter to be collected by the Commission;
8. Provide for and maintain all necessary administrative facilities and personnel;
9. Provide for payment of all administrative salaries, fees, and expenses;
10. Cause its monies to be invested and its investments sold or exchanged and the proceeds and income collected;
11. Determine who is a victim or dependent;
12. Consider all applications for compensation or other benefits provided for in this chapter;
13. Authorize the executive director to determine eligibility for all applications for compensation and authorize payment for approved and reduced claims.
 - a. The Commission shall review all contested cases pursuant to the Alabama Administrative Procedure Act. The Commission may affirm, reverse, or modify the executive director's claims decisions.
14. Adopt rules to expedite the administration of the affairs of the Commission not inconsistent with this article.
15. Provide descriptive literature and promotional items respecting the duties of the Commission.
16. Pay all compensation or other benefits that may be determined to be due under this chapter and under the rules of the Commission;
17. Employ such agents, attorneys, actuaries and other specialized personnel that shall be necessary or desirable to enable the Commission to carry on its functions in a proper and sound manner;
18. Receive by gift, grant, devise or bequest any monies or property of any nature or description;
19. Accept and administer loans, grants, and donations from the federal government, its agencies and all other sources, public and private, for carrying out any of its functions;
20. Develop a comprehensive analysis of the problems regarding victims of crime within the criminal justice system or systems of this state and formulate model programs, plans or methods for lessening the physical, mental or financial burdens placed

on innocent crime victims by the operation of the criminal justice system, both on the state and local level;

21. Identify laws, rules or regulations proposed or adopted by any agencies or institution of this state or any political subdivision thereof which have or will have a significant adverse or beneficial impact upon crime victims and to advocate the adoption, repeal, or modification thereof in the interest of innocent victims of crime;

22. Collect, develop and maintain statistical information, records and reports to carry out its powers, duties or functions, pursuant to the provisions of this chapter. All agencies and institutions of this state or the political subdivisions thereof, upon written request by the Commission, shall furnish the Commission such statistical information or data as requested by the Commission to fulfill its duties and responsibilities;

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

24. Provide for the cost of forensic medical examinations for the purpose of gathering evidence and treatment for preventing sexually transmitted infections in sexual abuse crimes and offenses;

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

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

Author: Kim Martin

Statutory Authority: Code of Ala. 1975, §§15-23-5(14).

History: Filed October 27, 1987. **Amended:** Filed November 25, 1992. **Repealed and New Rule:** Filed March 9, 2004; effective April 13, 2004. **Amended:** Published March 31, 2023; effective May 15, 2023.

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.

Author: Martin A. Ramsay

Statutory Authority: Code of Ala. 1975, §§15-23-5(14).

History: Filed October 27, 1987. **Repealed and New Rule:** Filed March 9, 2004; effective April 13, 2004.

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.

Author: Martin A. Ramsay

Statutory Authority: Code of Ala. 1975, §§15-23-5(14).

History: Filed October 27, 1987. **Repealed and New Rule:** Filed March 9, 2004; effective April 13, 2004.

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.

Author: Martin A. Ramsay

Statutory Authority: Code of Ala. 1975, §§15-23-5(14).

History: Filed October 27, 1987. **Repealed and New Rule:** Filed March 9, 2004; effective April 13, 2004.

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.

Author: Martin A. Ramsay

Statutory Authority: Code of Ala. 1975, §15-23-5(14).

History: Filed October 27, 1987. **Repealed and New Rule:** Filed March 9, 2004; effective April 13, 2004.

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

(1) Authority:

(a) Code of Ala. 1975, §15-23-10(a)(b)(c), (1995), which provides:

(2) 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.

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

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

(a) In the event that a crime victims' compensation claim is approved in a modified form, not approved, or approved - but reduced, the Commission shall notify the claimant by certified mail, return receipt requested, within ten (10) calendar days

of the Commission's action setting forth the basis of the Commission's decision.

(b) The claimant shall have the right to appeal the Commission's final decision. The claimant may appeal the final decision by notifying the Commission's Executive Director in writing of the intent to appeal within thirty (30) calendar days of receiving the letter setting forth the Commission's decision. The appeal request must be received by the Commission within thirty (30) calendar days. Regular mail is accepted. However, certified mail is strongly recommended. The claimant must sign the request for a contested case hearing (administrative appeal hearing) in order for it to be processed.

(c) All contested case hearings shall be held in accordance with the Alabama Administrative Procedures Act.

(d) All claimants shall receive a minimum of thirty (30) days' notice of the contested case hearing.

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

(f) In a contested case hearing, all parties shall be afforded an opportunity to appear and be heard.

(g) The claimant may request that subpoenas be issued for the contested case hearing.

(h) The Commission shall render its decision relative to the contested case hearing within ten (10) calendar days of the formal hearing and the claimant will be notified by certified mail, return receipt requested.

(i) An impartial governmental hearing officer from a list certified by the State of Alabama Personnel Department shall be provided by the Commission to preside over all contested case hearings and perform such parliamentary functions as he/she deems necessary. The Commission shall render the final decision in the claim. A certified court reporter shall be used to transcribe each appeal hearing. A record of the proceedings shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Commission.

(j) The claimant's contested case hearing will be dismissed if he/she fails to appear without good cause.

Author: Dr. Cassie T. Jones

Statutory Authority: Code of Ala. 1975, §§15-23-5(14).

History: Filed October 27, 1987. **Repealed and New Rule:** Filed March 9, 2004; effective April 13, 2004. **Repealed and New Rule:** Filed April 7, 2005; effective May 12, 2005. **Repealed and New**

Rule: Filed July 8, 2014; effective August 12, 2014.