

1 HB208
2 116044-1
3 By Representative Todd
4 RFD: Judiciary
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, the Alabama Crime
9 Victims' Compensation Commission may award
10 compensation to individual victims and dependents
11 of victims of violent crimes.

12 This bill would authorize the commission to
13 make an emergency award to domestic violence
14 victims who meet certain eligibility criteria.

15 This bill would provide guidelines for
16 victims' compensation.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To add Sections 15-23-24 and 15-23-25 to the Code of
23 Alabama 1975, relating to the Alabama Crime Victims'
24 Compensation Commission; to authorize the commission to make
25 an emergency award to domestic violence victims; and to
26 provide criteria and guidelines for compensation.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 15-23-24 and 15-23-25 are added
2 to the Code of Alabama 1975, to read as follows:

3 §15-23-24.

4 (a) The commission may administer and establish the
5 amount of an emergency award to domestic violence victims for
6 an individual who:

7 (1) No longer resides with the offender of the
8 incident for which the claim is made.

9 (2) Currently is or has been a resident within the
10 last 30 calendar days of the claim date of a domestic violence
11 shelter that is in compliance with standards as required by
12 Section 30-7-2 for no less than 10 consecutive days or have
13 received nonresidential services from a domestic violence
14 shelter program with a minimum of three face-to-face contacts
15 with the domestic violence shelter program personnel.

16 (3) Reports the incident to law enforcement within
17 72 hours of its occurrence unless the commission finds there
18 was good cause for the failure to report within that time.
19 Good cause includes, but is not limited to, the following:

20 a. Incapacitation.

21 b. Coercion.

22 c. Duress.

23 (4) Files an incident or other official police
24 report with the application.

25 (5) Submits one form of documentation confirming his
26 or her identity.

27 (6) Submits a copy of the case action plan.

1 (7) Submits valid estimates of invoices from
2 applicable vendors for all requested expenses. The victim's or
3 the shelter's estimates for expenses are not acceptable.

4 (8) Along with the shelter personnel, cooperates
5 fully with the commission.

6 (9) Cooperates with law enforcement. Cooperation
7 includes the following:

8 a. Signing a warrant against the offender.

9 b. Providing information to law enforcement or
10 prosecution regarding the incident.

11 c. Submits documentation from the prosecutor
12 certifying the willingness of the victim to assist in the
13 process of prosecution of the offender.

14 (b) To be eligible for the award a victim must not
15 have done any of the following:

16 (1) Contributed to the incident. Contribution shall
17 be determined by the guidelines set forth in the Alabama
18 Administrative Code Rule 262-X-4-.03. In instances in which a
19 contribution factor is assessed, the claim may be reduced or
20 denied depending on the level of responsibility attributable
21 to the victim's actions.

22 (2) Be on probation or parole or any type of
23 non-custodial release from a violent felony conviction at the
24 time of victimization.

25 (3) Be convicted of a felony or criminally injurious
26 conduct after making the application.

1 (c) A violation of a valid protective order as
2 defined by Section 30-5A-2(3) which involves a face-to-face
3 contact with the threat of violence is not eligible for an
4 emergency award under this section unless the violation is
5 reported to law enforcement within 72 hours, unless the
6 commission finds there was good cause for the failure to
7 report within that time. In instances in which the incident is
8 a violation of a valid protective order, a legible copy of the
9 order must be included with the application.

10 (d) An award under this section may not unjustly
11 benefit the offender.

12 §15-23-25.

13 (a) The following expenses are eligible for
14 compensation under Section 15-23-25, provided all eligibility
15 criteria has been met and proper documentation has been
16 submitted:

17 (1) Emergency needs that include the following:

- 18 a. Temporary residence in a hotel or motel.
- 19 b. A housing deposit.
- 20 c. Rent.
- 21 d. Basic landline service or mobile phone service.
- 22 e. Property storage fees.
- 23 f. Food and toiletries expenses.

24 (2) Daily living needs that include, but are not
25 limited to, the following:

26 a. Prescription eyeglasses or prescription contact
27 lenses left behind or damaged while fleeing the offender. The

1 property reimbursement schedule in Rule 262-X-4-.04(16)(d)(2)
2 of the Alabama Administrative Code shall apply. A copy of the
3 victim's prescription must be provided by the victim's eye
4 care provider.

5 b. Moving expenses incurred by the victim to move
6 from the home that was cohabited with the offender or where
7 the victim is in fear or danger for his or her life due to the
8 offender's threats and his or her knowledge of the victim's
9 current residence. Receipts must be provided for all requested
10 expenses. In order for the victim's mileage expenses for
11 moving to be eligible, the destination must be greater than 10
12 miles from the residence of the victim. In instances in which
13 the victim is residing in a shelter, the shelter shall be the
14 victim's residence for purposes of moving reimbursement.

15 (3) Replacement costs may be awarded for the
16 following documents if they were destroyed by the offender or
17 left behind while fleeing the offender:

18 a. Government-issued photo ID.

19 b. Birth certificate.

20 c. Immigration application and documentation.

21 (4) Day care expenses may be awarded in instances in
22 which the expense was incurred as a result of fleeing the
23 offender.

24 (5) Compensation may be awarded for the following
25 property that was damaged or left behind as a result of
26 fleeing the offender:

1 a. Schoolbook replacement for dependent minor
2 children whose schoolbooks were damaged or left behind as a
3 result of fleeing the offender. Verification and documentation
4 must be received from the child's school.

5 b. School supply replacement for dependent minor
6 children whose school supplies were damaged or left behind as
7 a result of fleeing the offender.

8 c. Clothing left behind or damaged while fleeing the
9 offender. The victim and each minor dependent child may
10 receive reimbursement for a maximum of five outfits and two
11 pairs of shoes. The property reimbursement schedule in Rule
12 262-X-4-.04(16)(c) of the Alabama Administrative Code shall
13 apply.

14 (b) The following expenses shall not be eligible for
15 compensation under Section 15-23-25:

16 (1) Victim's lost wages.

17 (2) Offender's lost wages.

18 (3) Outstanding bills.

19 (4) Additional utility and telephone connection fees
20 due to outstanding bills.

21 (5) School activity fees.

22 (6) Physician fees and hospital fees.

23 (7) Expenses that are not supported by valid
24 documentation.

25 Section 2. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

