

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

1 SB126

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4 ENROLLED, An Act,

5 Relating to the Alabama Crime Victims Compensation
6 Commission; to amend Sections 15-23-4 and 15-23-5, Code of
7 Alabama 1975, to further provide for meetings; to further
8 provide for the determination of eligibility for compensation
9 claims; to provide for a review of contested cases by the
10 commission; and to make nonsubstantive, technical revisions to
11 update the existing code language to current style.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§15-23-4.

16 "(a) ~~There is hereby created the~~ The Alabama Crime
17 Victims Compensation Commission, ~~which is created and~~ shall be
18 composed of three ~~citizens~~ residents of ~~the State of Alabama~~
19 this state, who shall be appointed by the Governor with the
20 advice and consent of the Senate, for terms of four years each
21 or until their successors are appointed and qualified.

22 Provided however, initial appointments shall be as follows:

23 One member shall be appointed for two years, one member shall
24 be appointed for three years, and one member shall be
25 appointed for four years. All appointments to fill vacancies

1 shall be for the duration of the unexpired term and subsequent
2 appointments shall be for four-year terms. The membership of
3 the board shall be inclusive ~~and reflect the racial, gender,~~
4 ~~geographic, urban/rural, and economic diversity of the state~~
5 and the Governor shall coordinate his or her appointments so
6 that the diversity of gender, race, and geographical areas is
7 reflective of the makeup of this state.

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

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

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

23 "(e) The commission may appoint an executive
24 director who shall serve at the pleasure of the commission and

1 shall be paid a salary in an amount to be determined by the
2 commission.

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

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

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

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

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

1 ~~such~~ the record, certified by the ~~chairman~~ chair, shall be
2 competent evidence in all courts.

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

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

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

1 interest. The Attorney General shall serve as a legal advisor
2 to the commission.

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

10 "§15-23-5.

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

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

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

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

22 "(4) Obtain access to investigative reports made by
23 law enforcement officers or law enforcement agencies which may
24 be necessary to assist the commission in making a
25 determination of eligibility for compensation under this

1 article; provided, h however, the reports and the information
2 contained herein, when received by the commission, shall be
3 confidential and under no circumstances ~~shall~~ may the
4 commission disclose the same except to a grand jury.

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

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

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

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

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

15 "(10) Cause its ~~moneys~~ monies to be invested and its
16 investments sold or exchanged and the proceeds and income
17 collected.

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

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

21 "(13) a. Authorize the executive director to ~~pass~~
22 ~~upon~~ determine eligibility for all ~~supplemental~~ applications
23 for compensation ~~in an amount not to exceed one thousand~~
24 ~~dollars (\$1,000) and to pass upon all original applications~~
25 ~~for claims in an amount not to exceed two thousand dollars~~

1 ~~(\$2,000)~~ and authorize payment for approved and reduced
2 claims.

3 "b. The commission shall review all contested cases
4 pursuant to the Alabama Administrative Procedure Act. The
5 commission may affirm, reverse, or modify the executive
6 director's claims decisions.

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

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

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

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

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

21 "(19) Accept and administer loans, grants, and
22 donations from the federal government, its agencies, and all
23 other sources, public and private, for carrying out any of its
24 functions.

1 "(20) Develop a comprehensive analysis of the
2 problems regarding victims of crime within the criminal
3 justice system or systems of this state and formulate model
4 programs, plans, or methods for lessening the physical,
5 mental, or financial burdens placed on innocent crime victims
6 by the operation of the criminal justice system both on the
7 state and local level.

8 "(21) Identify laws, rules, or regulations proposed
9 or adopted by any agency or institution of this state or any
10 political subdivision thereof which have or will have a
11 significant adverse or beneficial impact upon crime victims
12 and to advocate the adoption, repeal, or modification thereof
13 in the interest of innocent victims of crime.

14 "(22) Collect, develop, and maintain statistical
15 information, records, and reports ~~as the commission may~~
16 ~~determine relevant or necessary~~ to carry out its powers,
17 duties, or functions pursuant to this article. All agencies
18 and institutions of this state or the political subdivisions
19 thereof ~~shall~~, upon a written request by the commission, shall
20 furnish ~~to~~ the commission statistical information or data as
21 requested by the commission ~~shall deem necessary~~ to fulfill
22 its duties and responsibilities.

23 "(23) Award loans or grants of money, equipment, or
24 personnel to public or private nonprofit corporations or
25 associations, agencies of the State of Alabama or political

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

11 "(24) Provide for the cost of forensic medical
12 examinations for the purpose of gathering evidence and
13 treatment for preventing ~~venereal disease~~ sexually transmitted
14 infections in sexual abuse crimes and offenses.

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

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

19 Section 2. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB126

Senate 16-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 17-MAR-22

By: Senator Whatley