

# **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

## **Article 1 Crime Victims' Compensation**

### **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.

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

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:

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

- 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,

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

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; meetings; rules and regulations; 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. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(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.

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

(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 two hundred fifty dollars (\$250) 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; Act 2009-749, p. 2268, §1.)*

# **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

## **Article 1 Crime Victims' Compensation**

### **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.

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

(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

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

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.)*



# **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

## **Article 1 Crime Victims' Compensation**

### **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:

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

- (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.)*

# **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

## **Article 1 Crime Victims' Compensation**

### **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.)*

# **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

## **Article 1 Crime Victims' Compensation**

### **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 services 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.

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

- (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,

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

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

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

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.)*

## **Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS**

### **Article 1 Crime Victims' Compensation**

#### **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.)***