

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Crime Victims' Compensation Commission
Rule No. 262-x-4-.02

Rule Title: Eligibility Criteria Generally

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the
state's police power and the protection of the
public health, safety, or welfare? Yes

Is there another, less restrictive method of
regulation available that could adequately protect
the public? No

Does the propounded rule have the effect of directly
or indirectly increasing the costs of any goods or
services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the
public than the harm that might result from the
absence of the proposed rule? N/A

Are all facets of the rulemaking process designed
solely for the purpose of, and so they have, as
their primary effect, the protection of the public? Yes

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is
required to be accompanied by a fiscal note prepared in accordance with
subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full
compliance with the requirements of Chapter 22, Title 41, Code of Alabama
1975, and that it conforms to all applicable filing requirements of the
administrative Procedures Division of the Legislative Reference Service.

Signature of certifying officer Cassie T. Jones Cassie T. Jones, Ed.D.

Date June 18, 2013

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 262-X-4-.02, Eligibility Criteria Generally

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Commission proposes to amend the existing rule to require a birth certificate or passport to establish citizenship and documentation from a specified list to establish legal presence.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267, or oral comments at 334.290.4420.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments shall be received until the close of record at 5:00 p.m. on August 5, 2013. All comments should be addressed to the contact person listed below or oral comments at 334.290.4420.

CONTACT PERSON AT AGENCY: Kim Z. Martin, General Counsel, Alabama Crime Victims' Compensation Commission, 5845 Carmichael RD; Post Office Box 231267, Montgomery, Alabama 36123-1267.



Cassie T. Jones, Ed.D.
Executive Director

262-X-4-.02 Eligibility Criteria Generally.

1. The incident must have occurred on or after June 1, 1984.
2. The incident must have been reported within 72 hours after its occurrence or the Commission must find there was good cause for the failure to report within that time. Good cause includes, but is not limited to the minority, infirmity or incapacity of the claimant.
3. The application must be filed within one (1) year of the incident unless the Commission finds there was good cause for the failure to report within that time.
4. The victim must have suffered bodily injury, psychological injury as the result of a direct, face to face threat of physical injury, or actual physical injury or death as a result of the criminal actions of another.
5. The claimant or victim must cooperate fully with law enforcement and the Commission staff. If law enforcement officials or Commission staff ~~are~~ is not satisfied with the victim's or claimant's cooperation, the Commission may deny, reduce or declare the claim ineligible.
6. Requested expenses shall not be eligible for compensation in the event that they have been paid by a collateral source.
7. The victim or claimant must not be the offender or an accomplice of the offender.
8. No portion of the compensation shall benefit the offender or accomplice.
9. If the applicant, after making application for compensation to the Commission, then perpetrates any criminally injurious conduct or is convicted of a felony, the applicant shall be ineligible for compensation.
10. Any incident occurring at a place known for illegal activity (shot house, house of gambling, house of prostitution or drug house) or arising out of acts involving violations of the Alabama Criminal Code shall not be eligible for compensation under this chapter. This shall not include persons who were in such areas for a legitimate purpose and not involved in any type of illegal activity.
11. The victim's presence in the United States of America must be lawful.
12. Illegal aliens who are victims of human trafficking that meet the requirements set forth for the eligibility pursuant to 22 U.S.C. §7105 shall be eligible for compensation.
13. ~~Every claimant must provide a completed, signed and notarized Immigration Status Affidavit.~~ Proof of U.S. citizenship or legal presence in the U.S. must be provided for every claimant/victim.
 - a. An original or certified copy of the following documents is evidence of U.S. citizenship:
 - i. A birth certificate issued in or by a city, county, state, or other governmental entity within the United States or its outlying possessions.
 - ii. A U.S. Certificate of Birth Abroad (FS-545, DS-135) or a Report of Birth Abroad of a U.S. Citizen (FS-240).
 - iii. A birth certificate or passport issued from:
 1. Puerto Rico, on or after January 13, 1941;
 2. Guam, on or after April 10, 1898;
 3. U.S. Virgin Islands, on or after February 25, 1927;
 4. Northern Mariana Islands, after November 4, 1986;

5. American Samoa;
 6. Swains Island; or
 7. District of Columbia.
 - iv. An unexpired U.S. passport.
 - v. Certificate of Naturalization (N-550, N-57, N-578).
 - vi. Certificate of Citizenship (N-560, N-561, N-645).
 - vii. U.S. Citizen Identification Card (I-179, I-197).
- b. Submission of one of the following documents and subsequent positive verification in the Systematic Alien Verification for Entitlements (SAVE) system is proof of legal presence:
- i. I-327 (Reentry Permit)
 - ii. I-551 (Permanent Resident Card)
 - iii. I-571 (Refugee Travel Document)
 - iv. I-766 (Employment Authorization Card)
 - v. Certificate of Citizenship
 - vi. Naturalization Certificate
 - vii. Machine Readable Immigrant Visa (with Temporary I-551 Language)
 - viii. Temporary I-551 Stamp (on Passport or I-94)
 - ix. I-94 (Arrival/Departure Record)
 - x. I-94 (Arrival/Departure Record) in Unexpired Foreign Passport
 - xi. Unexpired Foreign Passport
 - xii. I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status)
 - xiii. DS2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status)
 - xiv. Documents not included in this list will be examined on a case-by-case basis.
- c. Failure to provide this documentation within the requested time shall result in the non-approval of the compensation claim.
- d. This rule shall be effective upon the filing date and apply to claims pending and/or claims received on or after the filing date.

Author: Dr. Cassie T. Jones

Statutory Authority: ALA. CODE § 15-23-5(14) (1995)

History: Filed June 18, 2013