ALABAMA CRIME VICTIMS COMPENSATION COMMISSION
ADMINISTRATIVE CODE

CHAPTER 262-X-2
THE COMMISSION AND ITS MEMBERS

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262-X-2-.01 Composition.

(1) 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 (4) 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 (2) years and one member shall be appointed for three (3) years and one member shall be appointed for four (4) 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.

(2) 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.

(3) 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
Chapter 262-X-2  

Crime Victims

a nonprofit, charitable crime victims organization established pursuant to the laws of Alabama.

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262-X-2-.02 Officers. Each year the Commission shall elect a chairman from its membership. Chairperson elections shall be held in the month of June. 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.

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262-X-2-.03 Meetings. The Commission shall have its principle place of business in the county wherein the state capital is located. The Commission shall hold at its principle 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. Any two (2) members of the Commission shall constitute a quorum for the purposes of transacting the business of the Commission and two (2) votes in favor shall be necessary for a decision by the Commission at any meeting of the Commission. The Commission shall meet on the second Thursday of each month at 10:00 a.m. at the Commission office. Meetings shall be conducted using Roberts Rules of Order. All meetings of the Commission shall be publicized in accordance with the Alabama Open Meetings Act. Any change to the regular Commission meeting shall be publicized in accordance with the Alabama Open Meetings Act.

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262-X-2-.04  **Rulemaking.**

(1) From time to time the Commission shall establish rules and regulations for the administration of its duties and responsibilities pursuant to this chapter. All rules shall be passed by a majority vote of the three member Commission. A copy of the current rules shall be published in each year’s annual report and shall be made available to the public upon request.

(2) Petitions for Adoption, Repeal, or Change of Rule

(a) Any person may petition the Commission for the adoption of a new rule or for the repeal or change of any existing rule.

(b) Action by the Commission on any such petition shall be as provided in Code of Ala. 1975, §41-22-8.

(c) In order to be considered, a petition for a rule change must be in writing and contain the following minimum information:

1. A title reflecting that the petition seeks the adoption of a new rule, or the modification or repeal of an existing rule or rules.

2. The petitioner's name, address, and telephone number.

3. A statement identifying all rules or statutes that may be involved should the relief sought in the petition be granted in whole or in part.

4. A clear and concise statement or narrative as to why the new rule, or modification or repeal of an existing rule is needed, specifying:

   (i) the persons or class of persons it would affect and how it would affect them;

   (ii) the benefits and disadvantages of the proposed rule, modification or repeal;

   (iii) the estimated cost or cost savings to the Commission;
(iv) any other reasons why the rule, modification, or repeal should be accepted by the Commission;

(v) the legal authority for the proposed rule, modification or change;

(vi) the names and complete addresses of any persons, firms, organizations, and the identity of any class of persons known to the petitioner who would be or could be adversely affected by the proposed rule, modification, or repeal.

5. The reason for submitting the petition, if the reason is not apparent from the face of the petition.

6. Full disclosure of the petitioner's interest.

7. A statement as to whether the issues presented by the petition are presently under consideration by the Commission or by any judicial or quasi-judicial body in any pending proceedings, and if so, before which body they are pending.

8. A certification by the petitioner that the information contained in the petition is true and correct to the best of petitioner's knowledge, and that the petition has not been filed for any improper purposes, or for delay or harassment. The certification must be signed by the petitioner and the petitioner’s signature must be notarized.

(3) Declaratory Rulings.

(a) Any person substantially affected by a rule may petition the Commission for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Commission.

(b) The petition shall be in writing and shall include:

1. The name and address of the petitioner;

2. A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule;

3. The rule, statute, or order and the exact question(s) to which an answer is requested;

4. The reason(s) for submitting the petition; Full disclosure of the petitioner's interest(s);
5. Statement as to whether the petitioner's case is presently under consideration by the Commission or in any pending proceeding;

6. A certification by the petitioner that the information contained in the petition is true and correct to the best of petitioner's knowledge, and that the petition has not been filed for any improper purposes, or for delay or harassment. The certification must be signed by the petitioner and the petitioner’s signature must be notarized.

(c) Failure of the Commission to issue a declaratory ruling within forty-five days of date of receipt of request shall constitute a denial of the request.

(d) Circumstances in which rulings shall not be issued include, but are not necessarily limited to:

1. Lack of jurisdiction;

2. Lack of clarity of the issue presented;

3. No clear answer determinable;

4. On a petition which seeks the immediate payment or non-payment of benefits under the Alabama Crime Victims’ Compensation Act;

5. If petitioned for by a person not a party to the contested case if the matter is involved in a contested case;

6. On matters in litigation.

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262-X-2-.05 Records. The chairman of the Commission shall keep a true record of all 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 written minutes of the proceedings shall be maintained by the agency. The Commission shall meet in Executive Session in compliance with the Alabama Open Meetings Act. 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. Provided, however, the Commission shall decline to disclose the names and addresses of victims or claimants who have applied for compensation pursuant to the provisions of this chapter or the facts or circumstances of the criminally injurious conduct perpetrated against them.

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262-X-2-.06 Bond. 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, a 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 monies, funds, or properties coming into their possession in the capacity of their employment.

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262-X-2-.07 Duties Of The Attorney General. The attorney general or the district attorney of the county wherein the state capital 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 legal advisor to the Commission.

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262-X-2-.08  Compensation Of Commission Members. All Commission members shall be paid and reimbursed for expenses as established by the Code of Alabama.

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