

HB334 INTRODUCED



1 HB334
2 PFUJRGR-1
3 By Representatives Almond, Reynolds, Simpson, Treadaway,
4 Bedsole, Brown, Wood (R), Lee
5 RFD: Ways and Means General Fund
6 First Read: 19-Mar-24



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SYNOPSIS:

Under existing law, victims of violence and their dependents may be awarded compensation for work loss, including income loss, that resulted from the criminal act perpetrated against them.

This bill would provide that work loss includes loss of income for victims of human trafficking resulting from being exploited.

Under existing law, members of the Alabama Crime Victims Compensation Commission are paid for each day they attend a commission meeting.

This bill would provide that commission members also be paid for each day spent in the performance of their commission duties.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Crime Victims Compensation Commission; to amend Sections 15-23-3 and 15-23-4, Code of Alabama 1975, to further provide for the compensation a crime victim may receive; and to provide that commission members be paid for each day spent in the performance of their commission



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29 duties.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Sections 15-23-3 and 15-23-4, Code of
32 Alabama 1975, are amended to read as follows:

33 "§15-23-3

34 As used in this article the following ~~words shall~~
35 ~~include, but are not limited to~~ terms have the following
36 meanings ~~unless the context clearly requires a different~~
37 ~~meaning~~:

38 ~~(1)~~ (4) COMMISSION. The Alabama Crime Victims
39 Compensation Commission as created by Section 15-23-4.

40 ~~(2)~~ (5) CRIMINALLY INJURIOUS CONDUCT. ~~Criminally~~
41 ~~injurious conduct includes any~~ Any of the following ~~acts~~:

42 a. An act occurring or attempted within the
43 geographical boundaries of this state which results in serious
44 personal injury or death to a victim for which punishment by
45 fine, imprisonment, or death may be imposed.

46 b. An act occurring or attempted outside the
47 geographical boundaries of this state in another state of the
48 United States of America which is punishable by fine,
49 imprisonment, or death and which results in personal injury or
50 death to a ~~citizen~~ resident of this state, and shall include
51 an act of terrorism, as defined in ~~Section 2331 of Title 18~~
52 U.S.C. § 2331, United States Code, committed outside of the
53 United States, against a resident of this state; provided,
54 however, the citizen at the time ~~such~~ the act was committed
55 had a permanent place of residence within the geographical
56 boundaries of this state, and ~~in addition thereto any of the~~



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57 ~~following circumstances apply, that the citizen~~ resident:

58 1. Had a permanent place of employment located within
59 the geographical boundaries of this state-~~;~~;

60 2. Was a member of the regular Armed Forces of the
61 United States of America-~~;~~; or the United States Coast Guard-~~;~~;
62 or was a full-time member of the Alabama National Guard,
63 Alabama Air National Guard, U.S. Army Reserve, U.S. Naval
64 Reserve, or U.S. Air Force Reserve-~~;~~;

65 3. Was retired and receiving Social Security or other
66 retirement income-~~;~~;

67 4. Was 60 years of age or older-~~;~~;

68 5. Was temporarily in another state of the United
69 States of America for the purpose of receiving medical
70 treatment-~~;~~;

71 6. Was temporarily in another state of the United
72 States of America for the purpose of performing
73 employment-related duties required by an employer located
74 within the geographical boundaries of this state as an express
75 condition of employment or employee benefits-~~;~~;

76 7. Was temporarily in another state of the United
77 States of America for the purpose of receiving occupational,
78 vocational, or other job-related training or instruction
79 required by an employer located within the geographical
80 boundaries of this state as an express condition of employment
81 or employee benefits-~~;~~;

82 8. Was a full-time student at an academic institution,
83 college, or university located in another state of the United
84 States of America-~~;~~ or



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85 9. Had not departed the geographical boundaries of this
86 state for a period exceeding 30 days or with the intention of
87 becoming a ~~citizen~~ resident of another state or establishing a
88 permanent place of residence in another state.

89 c. The term "~~criminally injurious conduct~~" shall not
90 ~~mean: An~~ does not include an act committed outside the
91 geographical boundaries of this state upon a person who was
92 not at the time a ~~citizen~~ resident of ~~Alabama~~ this state, or
93 an act committed outside the geographical boundaries of this
94 state upon a person who at the time had departed the
95 geographical boundaries of this state for the purpose of
96 becoming a ~~citizen~~ resident of, or establishing a permanent
97 place of residence in, another state.

98 ~~(3)~~ (13) VICTIM. A natural person who suffered serious
99 personal injury or death as a result of criminally injurious
100 conduct.

101 ~~(4)~~ (6) DEPENDENT. A natural person wholly or partially
102 dependent upon the victim for care or support, and includes a
103 child of the victim born after the death of the victim where
104 the death occurred as a result of criminally injurious
105 conduct.

106 ~~(5)~~ (2) CLAIMANT. Any of the following persons applying
107 for compensation under this article:

108 a. A victim.

109 b. A dependent of a deceased victim, if ~~such~~ the victim
110 died as a result of criminally injurious conduct.

111 c. A person authorized to act on behalf of a victim or
112 a dependent of a deceased victim if ~~such~~ the victim died as a



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113 result of criminally injurious conduct.

114 ~~(6)~~ (1) ALLOWANCE EXPENSE. Charges incurred for needed
115 products, services, and accommodations, including, but not
116 limited to, medical care, rehabilitation, rehabilitative
117 occupational rehabilitation, rehabilitative occupational
118 training, and other remedial treatment and care. ~~It~~ The term
119 also includes a total charge not in excess of seven thousand
120 dollars (\$7,000) for expenses related to funeral, cremation,
121 or burial.

122 ~~(7)~~ (14) WORK LOSS. Loss of income from work the victim
123 or claimant would have performed if the victim had not been
124 injured or died, reduced by any income from substitute work
125 actually performed by the victim or claimant or by income the
126 victim or claimant would have earned in available appropriate
127 substitute work which he or she was capable of performing but
128 unreasonably failed to undertake. Work loss also includes loss
129 of income of an offender charged with domestic violence under
130 Sections 13A-6-130, 13A-6-131, and 13A-6-132 when the victim
131 was residing with the offender at the time of commission of
132 the offense and the offender's income was a significant source
133 of direct support for the victim. Work loss also includes loss
134 of income for victims of human trafficking resulting from
135 being exploited.

136 ~~(8)~~ (11) REPLACEMENT SERVICES LOSS. Expenses reasonably
137 incurred in obtaining ordinary and necessary services in lieu
138 of those the victim would have performed, not for income, but
139 for the benefit of self or family, if the victim had not been
140 injured or died.



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141 ~~(9)~~ (8) ECONOMIC LOSS OF A DEPENDENT. A loss after the
142 death or injury of the victim of contributions of things of
143 economic value to the dependent, not including services ~~which~~
144 that would have been received from the victim if he or she had
145 not suffered the fatal injury, less expenses of the dependent
146 avoided by reason of death or injury of the victim.

147 ~~(10)~~ (12) REPLACEMENT SERVICES LOSS OF DEPENDENT. The
148 loss reasonably incurred by dependents after death of the
149 victim in obtaining ordinary and necessary services in lieu of
150 those the deceased victim would have performed for their
151 benefit had the deceased victim not suffered the fatal injury,
152 less expenses of the dependent avoided by reason of death of
153 the victim and not subtracted in calculating the economic loss
154 of the dependent.

155 ~~(11)~~ (7) ECONOMIC LOSS. Monetary detriment consisting
156 only of allowable expense, work loss, replacement services
157 loss, and, if injury causes death, economic loss and
158 replacement services loss of a dependent, but shall not
159 include noneconomic loss or noneconomic detriment.

160 ~~(12)~~ (9) NONECONOMIC LOSS or DETRIMENT. Pain, suffering,
161 inconvenience, physical impairment, and nonpecuniary damage.

162 ~~(13)~~ (3) COLLATERAL SOURCE. Source of income, ~~or~~ or
163 financial or other benefits or advantages for economic loss,
164 other than the compensation paid by the compensation
165 commission, which the claimant has received or is entitled to
166 receive or is readily available to the claimant, from ~~any one~~
167 ~~or more of the following:~~

168 a. The offender ~~;~~ ;



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169 b. The government of the United States or any agency
170 thereof, in the form of benefits, such as Social Security,
171 Medicare and Medicaid, a state or any of its political
172 subdivisions, l, or an instrumentality of two or more states,
173 unless the law providing for the benefits or advantages makes
174 them excessive or secondary to benefits under this article ~~;~~ ;

175 c. Any temporary nonoccupational disability insurance ~~;~~ ;

176 d. Workers' compensation ~~;~~ ;

177 e. Wage continuation programs of any employer ~~;~~ ;

178 f. Proceeds of a contract of insurance payable to the
179 claimant for loss ~~which~~ that the victim sustained because of
180 the criminally injurious conduct ~~;~~ ; ~~or~~

181 g. A contract providing prepaid hospital and other
182 health care services or benefits for disability.

183 ~~(14)~~ (10) OFFICE OF PROSECUTION SERVICES. The Office of
184 Prosecution Services as established by Section 12-17-230."

185 "§15-23-4

186 (a) The Alabama Crime Victims Compensation Commission
187 is created and shall be composed of three residents of this
188 state, who shall be appointed by the Governor with the advice
189 and consent of the Senate, for terms of four years each or
190 until their successors are appointed and qualified. ~~Provided~~
191 ~~however, initial appointments shall be as follows: One member~~
192 ~~shall be appointed for two years, one member shall be~~
193 ~~appointed for three years, and one member shall be appointed~~
194 ~~for four years.~~ All appointments to fill vacancies shall be
195 for the duration of the unexpired term, l, and subsequent
196 appointments shall be for four-year terms. The ~~membership of~~



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197 ~~the board shall be inclusive and the~~ Governor shall coordinate
198 his or her appointments ~~so that the diversity of~~ to assure the
199 board membership is inclusive and reflects the racial, gender,
200 ~~race, and~~ geographical ~~areas is reflective of the makeup of~~
201 ~~this~~ urban, rural, and economic diversity of the state.

202 (b) At least one member shall be a law enforcement
203 officer with a minimum of 10 years' experience in or with a
204 law enforcement agency which has among its primary duties and
205 responsibilities the investigation of violent crimes and the
206 apprehension or arrest of the perpetrators.

207 (c) At least one member shall be a victim of a crime of
208 violence who suffered serious personal injury as a result of
209 the crime, a member of a victim's immediate family or a member
210 of a deceased victim's immediate family if the deceased victim
211 died as a result of a crime of violence, or an officer of a
212 nonprofit charitable crime victims organization established
213 pursuant to the laws of ~~Alabama~~ this state.

214 (d) Each year the commission shall elect a chair from
215 its membership.

216 (e) The commission may appoint an executive director
217 who shall serve at the pleasure of the commission and shall be
218 paid a salary in an amount to be determined by the commission.

219 (f) The commission shall have its principal place of
220 business in the county where the State Capitol is located.

221 (g) The commission shall hold, at its principal place
222 of business, quarterly public meetings at times and places as
223 its members may elect.

224 (h) Any two members of the commission shall constitute



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225 a quorum for purposes of transacting the business of the
226 commission and two votes in favor shall be necessary for a
227 decision by the commission at any meeting of the commission.

228 (i) The commission shall establish rules for the
229 administration of its duties and responsibilities pursuant to
230 this chapter.

231 (j) The chair of the commission shall keep a true
232 record of all of the proceedings of the meetings of the
233 commission. At the call of any member, the vote on any pending
234 question shall be taken by ayes and nays, and the same shall
235 be entered in the record. The record of the proceedings of the
236 commission shall be open to any member of the commission and
237 to the public. A copy of the record, certified by the chair,
238 shall be competent evidence in all courts.

239 (k) The commission may not disclose the names and
240 addresses of victims or claimants who have applied for
241 compensation pursuant to this article or the facts or
242 circumstances of the criminally injurious conduct perpetrated
243 against them.

244 (l) All members and employees of the commission
245 handling money or exercising authority over any property,
246 before entering the discharge of their duties, shall provide a
247 bond with a surety company authorized to do business in this
248 state, as surety, payable to the commission in an amount or
249 amounts sufficient to protect the commission against any loss
250 with respect to the funds, money, or property handled,
251 conditioned for the faithful discharge of their duties and
252 responsibilities and further conditioned upon their faithfully



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253 accounting for all monies, funds, or properties coming into
254 their possession in the capacity of their employment.

255 (m) The Attorney General or the district attorney of
256 the county where the State Capitol is located, upon written
257 request by the commission, shall represent the commission in
258 all litigation where the commission is a party or in which the
259 commission has an interest. The Attorney General shall serve
260 as a legal advisor to the commission.

261 (n) All commission members shall be paid two hundred
262 fifty dollars (\$250) per day and mileage for attendance of
263 commission meetings. All commission members shall also be paid
264 an amount, as determined by the commission, not to exceed two
265 hundred fifty dollars (\$250) per day for each day spent in the
266 performance of their duties. Mileage and per diem shall be the
267 same as allowed state employees when a commission member is
268 traveling on official business of the commission and shall be
269 paid from the Alabama Crime Victims Compensation Fund."

270 Section 2. This act shall become effective on October
271 1, 2024.