



Arizona Criminal Justice Commission

INTRODUCTION

This document includes a summary of proposed program rule changes, followed by the draft language of the proposed rules, for the Crime Victim Compensation Program and the Crime Victim Assistance Grant Program. Please carefully review the information provided. You may submit any comments or feedback through the following survey link: <https://www.surveymonkey.com/r/ACJCRulesSurvey2017> Please provide any comments or feedback by Tuesday, June 27, 2017. This is the final opportunity to provide comments or feedback on the rules before the draft language is presented to the Crime Victim's Committee at the meeting on July 11, 2017 in Phoenix.

The online survey is the official means of providing comments and feedback. However, if you would like to discuss any additional questions or concerns you have about the rules you can contact ACJC Victim Services Program Staff at 602-364-1146 or vsadmin@azcjc.gov.

SUMMARY OF PROPOSED RULE CHANGES CRIME VICTIM COMPENSATION PROGRAM

Changes to Program Administration

- Remove statutory reference related to the Fund and replace with broader language related to all potential program funding sources (*R10-4-101.14*) (*R10-4-102.A*)
- Remove the specific allocation formula variables and the annual formula approval requirement; maintain Commission approval of allocation formula as needed (*R10-4-102.C*)
- Remove additional reporting and allocation requirements for operational units receiving and spending additional funds for victim compensation other than those included under the Fund (*R10-4-102.H*)
- Allow the Commission to approve payment rate schedules for program benefit cost categories; maintain operational unit ability to negotiate benefit costs if an approved rate schedule does not exist (*R10-4-102.I*)
- Allow the Commission to assign a jurisdiction to another operational unit in situations where a jurisdiction is not served by an operational unit (*R10-4-103*)
- Remove quarterly financial reporting requirement and specifics on what must be reported by operational units; replace with broader language allowing the Commission to determine all reporting requirements (*R10-4-104.B.2.e*)
- Add operational unit compensation program records retention schedule (*R10-4-104.B.2.j*)

- Remove preference given to public agencies when designating operational units (*R10-4-104.C*)
- Allow the Executive Director of the Commission to choose and appoint compensation board members from a list of recommended individuals provided by the operational unit (*R10-4-105.C and D*)
- Remove detail on what information a claimant must provide to the program for an award (*R10-4-107.D.1*); replace with broader language requiring claimants to provide any information or documentation necessary for the operational unit to investigate and substantiate the claim (*R10-4-107.E*)
- Clarify that determining claimant eligibility is acceptable as the only action taken on a claim within the 60 day deadline (*R10-4-108.A*)
- Clarify that only claims that are complete and ready for the board to make a decision upon are subject to the 60 day deadline (*R10-4-108.A*)
- Remove language limiting a good cause exception for use of a collateral source to mental health counseling expenses only; allowing the Board to waive the required use of any collateral source if the Board determines use of the source is not in the best interest of the victim, unless the collateral source benefit originates from a federally financed program (*R10-4-108.F.1*)
- Allow the operational unit, rather than the Board, to request or grant a claimant's request for a rehearing (*R10-4-109.E and I*); if an operational unit denies a claimant's request for a rehearing, a claimant can request a state-level claim review (*R10-4-109.J*)

Changes to Claimant Eligibility

- Add stepsibling to the definition of "derivative victim" (*R10-4-101.10.a*)
- Expand definition of "derivative victim" to include parent, family members, or guardian of a minor victim (*R10-4-101.10.d*)
- Clarify that a victim is not eligible if, at the time of the criminally injurious conduct, the victim was serving a sentence in prison, home arrest, or work furlough (*R10-4-106.A.3.b.i*)
 - Add incarcerated awaiting sentencing or disposition (*R10-4-106.A.3.b.ii*)
- Clarify that a claimant is not eligible if, at the time of application submission, he or she is delinquent in paying a state or federal fine, monetary penalty, or restitution (*R10-4-106.A.3.c.i-iii*)
 - Add wanted in Arizona on an active warrant (*R10-4-106.A.3.c.iv*)

- Exclude consideration of contributory conduct for minor victims, or instances where the victim was coerced or forced to act against his or her own will (*R10-4-108.H. a and b*)
- Clarify that failure to cooperate may include a substantiated mental health risk (*R10-4-108.I.1*)

Changes to Program Benefits

- Expand definition of "crime scene cleanup expense" to include repairing residential interior damage resulting from evidence collection (*R10-4-101.8.c*)
- Add definition of "financial counseling" (*R10-4-101.13*)
- Expand definition of "medical expense" to include care provided to a derivative victim, and medical care associated with a mental health condition (*R10-4-101.20*)
- Remove the word "reimbursed" and replace with "paid" in the definition of "transportation costs" (*R10-4-101.31*)
- Add fee expenses as an eligible expense in the definition of "transportation costs" (*R10-4-101.31.b*)
- Expand medical expenses to cover prescription costs related to mental health counseling for derivative victims (*R10-4-108.C.1.a*)
- Exclude as an eligible medical expense any drug, substance, or chemical found under Schedule I of the Federal Controlled Substances Act (*R10-4-108.C.1.b.ii*)
- Expand the availability of work loss to derivative victims for mental distress or medical condition (*R10-4-108.C.2.a*)
 - Add work loss benefits for a substantiated threat to safety or well-being (*R10-4-108.C.2.a*)
- Replace the word "court" in "court proceeding" with "criminal justice" to expand the availability of benefits encouraging victim or derivative victim participation in all aspects of the criminal justice process (*R10-4-108.C.2.b*) (*R10-4-108.C.2.d*) (*R10-4-108.C.7.c*)
- Expand work loss for a parent or guardian to accompany a minor victim, to include hospitalization and residential treatment (*R10-4-108.C.2.d*)
- Clarify language tied to work loss for a derivative victim to make funeral arrangements for, or tend to the affairs of, a deceased victim (*R10-4-108.C.2.e*)
 - Add work loss for a derivative victim to attend the victim's funeral (*R10-4-108.C.2.e*)

- Clarify that personal attendee expenses for clothing, travel, lodging, food, or per diem to attend a victim's funeral are not eligible; clarification may allow the Board to approved food expenses directly associated with the victim's funeral (*R10-4-108.C.3*)
- Remove behavioral health technician as an individual who can provide mental health counseling and care; this licensure type no longer exists in the referenced administrative code (*R10-4-108.C.4.a.iii*)
- Add financial counseling as an eligible counseling expense due monetary loss, fraudulent charges, or debt; services must be provided by an experienced, licensed professional (*R10-4-108.C.5*)
- Include all work loss subsections, except for loss of support, under the maximum amount per calendar week of 40 hours at the current minimum wage (*R10-4-108.D.3.a*)
- Limit work loss paid to derivative victims to a maximum of \$10,000 (*R10-4-108.D.3.a.iii*)
- Remove the calculation requirement for loss of support payments (*R10-4-108.D.3.b*)
- Establish as a maximum for financial counseling the lesser of \$2,000, or an amount equal to the victim's actual financial losses; limit availability to victims only (*R10-4-108.D.4.b*)
- Clarify that the combined total paid for mental health counseling and financial counseling cannot exceed \$5,000 (*R10-4-108.D.4.c*)
- Increase transportation cost maximum from \$1,500 to \$2,000 per victim or derivative victim (*R10-4-108.D.7*)
- Expand emergency award to include up to \$5,000 for funeral expenses only; maintain \$1,000 for all other benefit categories (*R10-4-111.B.1 and 2*)

Other Clarifying and Technical Changes

- Remove the phrase "act of international terrorism"; international terrorism is a federal crime and federal crimes are included under definition of criminally injurious conduct (*Throughout text*)
- Replace the phrase "required for" with "in the best interest of" in the definition of "derivative victim" related to counseling justification (*R10-4-101.10.g*)
- Remove definition of "international terrorism" (*R10-4-101.19*)

- Clarify that compensation programs outside of Arizona must be accessible to a victim as another source of financial recovery *(R10-4-106.A.1.b) (R10-4-107.D)*
- Remove duplicative language "directly resulted in the victim's physical injury, mental distress, medical condition, or death"; similar language is included in the definition of "criminally injurious conduct" *(R10-4-106.A.3.a) (R10-4-108.F.3) (R10-4-108.G)*
- Add new delinquency subsections to delinquency waivers *(R10-4-106.C and D)*
- Replace "parent or legal guardian of a minor victim" with new derivative victim reference *(R10-4-107.D.1) (R10-4-108.C.2.d)*
- Clarify that an operational unit or ACJC has ten business days to inform the claimant of a decision related to the claim *(R10-4-108.A) (R10-4-109.B and C) (R10-4-110.H)*
- Clarify language tied to work loss for a medical appointment *(R10-4-108.C.2.b)*
- Replace "required" with "medically necessary" for non-skilled nursing care under work loss *(R10-4-108.C.2.f)*
- Remove language and timeframes related to when an inactive claim can be closed; replaced with record retention schedule under Operational Unit Requirements *(R10-4-108.L)*
- Remove language tying rehearing decisions to Boards only *(R10-4-110.A)*

SUMMARY OF PROPOSED RULE CHANGES CRIME VICTIM ASSISTANCE PROGRAM

- Reduce match requirement from twenty-five percent to twenty percent *(R10-4-201.3)*
- Replace the word "donation" with "source of program support" in the definition of "In-kind contribution" *(R10-4-201.6)*
- Remove the definition of "Substantial financial support from other sources"; this eliminates the fifty percent match requirement for existing programs *(R10-4-201.8)*
- Remove statutory references when describing what program revenue is deposited in the Fund *(R10-4-202.A)*
- Qualify statewide distribution of grant funding with "when possible" *(R10-4-202.B)*

- Remove the requirement that a non-criminal justice governmental agency or private nonprofit organization be approved by a prosecuting attorney's office or law enforcement agency *(R10-4-203.A)*
- Add award eligibility for projects that address victimization without assisting victims directly *(R10-4-203.A.1) (R10-4-203.A.4) (R10-4-203.B.2) (R10-4-204.A) (R10-4-204.B.1) (R10-4-204.C.5)*
- Replace the word "program" with the word "project" to describe the highest level of grant funded activity *(Throughout)*
- Broaden language associated with awareness of the victim compensation program to include efforts beyond assisting a victim directly *(R10-4-203.A.5)*
- Remove "program that has existed for at least three years" under eligibility requirements; this eliminates distinctions between new projects and existing projects *(R10-4-203.B)*
- Replace the "substantial financial support" requirement with lesser "financial support" requirement; this subjects all funded programs to the recommended twenty percent match requirement *(R10-4-203.B.1)*
- Replace "length of time the program has provided victim services" with evidence-based outcomes to demonstrate the efficacy of project services *(R10-4-203.B.2.a)*
- Remove language describing and establishing requirements for projects existing for less than three years *(R10-4-203.D)*
- Remove language specifying frequency of financial reporting of grantees; allow Commission to establish reporting frequency *(R10-4-203.C.1)*
- Remove language specifying frequency of activity reporting of grantees and specifying the content of activity reports; allow Commission to establish reporting frequency *(R10-4-203.C.2)*
- Remove 24-hour hotline as the only example of crisis intervention services *(R10-4-204.A.1)*
- Replace "including" with "such as" to clarify that services other than those listed may still be eligible for funding under the allowable service category *(R10-4-204.A.1-5)*
- Include relocation in addition to temporary shelter under emergency services *(R10-4-204.A.2.a)*
- Replace "petty cash" with "emergency financial assistance" under emergency services *(R10-4-204.A.2.b)*

- Include temporary repairs to doors in addition to locks and windows under emergency services; clarify that repair services are intended to prevent further victimization *(R10-4-204.A.2.c)*
- Replace "counseling" with the broader term "assistance" under support services *(R10-4-204.A.3.a)*
- Include assistance with replacing property kept as evidence in addition to obtaining the return of that property under support services *(R10-4-204.A.3.c)*
- Replace "petty cash" with "financial assistance" under court-related services *(R10-4-204.A.4.a)*
- Remove transportation to court from the list of court-related services *(R10-4-204.A.4.a)*
- Include a statutory reference to notification services included under crime victims' rights *(R10-4-204.A.5)*
- Remove language limiting what agency types can receive grant funded training *(R10-4-204.B.1)*
- Replace "printing and distributing brochures" with broader language allowing for production of any educational or outreach materials *(R10-4-204.B.2)*
- Allow funded project to provide training or services focused on preventing initial victimization or further victimization connected to violent crime *(R10-4-204.B.3)*
- Clarify that funding cannot be used for broad crime prevention efforts *(R10-4-204.C.1)*
- Remove restriction on funding used to train persons who do not provide direct services to a victim *(R10-4-204.C.6)*
- Remove restriction that funded project services cannot be the same as those allowed under the victim compensation program *(R10-4-204.C.7)*

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 1. CRIME VICTIM COMPENSATION PROGRAM

- R10-4-101.** Definitions
- R10-4-102.** Administration of the Fund

- R10-4-103.** Statewide Operation
- R10-4-104.** Operational Unit Requirements
- R10-4-105.** Crime Victim Compensation Board
- R10-4-106.** Prerequisites for a Compensation Award
- R10-4-107.** Submitting a Claim
- R10-4-108.** Compensation Award Criteria
- R10-4-109.** Hearing; Request for Rehearing
- R10-4-110.** State-level Claim Review
- R10-4-111.** Emergency Compensation Award

ARTICLE 1. CRIME VICTIM COMPENSATION PROGRAM

R10-4-101. Definitions

In this Article:

1. “Board” means the Crime Victim Compensation Board of an operational unit.
2. “Claim” means an application for compensation submitted under this Article.
3. “Claimant” means a natural person who files a claim.
4. “Collateral source” means a source of compensation for economic loss that a claimant received or is accessible to and obtainable by the claimant or that is payable to or on behalf of the victim. Collateral source includes the following sources of compensation:
 - a. The perpetrator or a third party responsible for the perpetrator’s actions;
 - b. The United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless:
 - i. The law providing for the compensation makes the compensation excess or secondary to benefits under this Article, or
 - ii. The compensation is made with federal funds granted under 42 U.S.C. 10602;
 - c. Social Security, Medicare, or Arizona Health Care Cost Containment System payments;
 - d. State-required, insurance for a temporary, non-occupational disability;
 - e. Worker’s compensation insurance;
 - f. Wage continuation program of any employer;
 - g. Insurance proceeds payable to cover a specific compensable cost due to criminally injurious conduct ~~or an act of international terrorism;~~
 - h. A contract providing for prepaid hospital and other health care services or disability benefits; and

- i. A gift, devise, or bequest to cover a specific compensable cost.
- 5. “Commission” means the Arizona Criminal Justice Commission, as established by A.R.S. § 41-2404.
- 6. “Compensable cost” means an economic loss for which a compensation award is allowed under this Article.
- 7. “Compensation award” means a payment made to a claimant under the standards at R10-4-108.
- 8. “Crime scene cleanup expense” means the reasonable and customary cost for:
 - a. Removing or attempting to remove bodily fluids, dirt, stains, and other debris that result from criminally injurious conduct ~~or act of international terrorism~~ occurring within a residence or the surrounding curtilage;
 - b. Repairing or replacing exterior doors, locks, or windows damaged as a direct result of criminally injurious conduct ~~or act of international terrorism~~ occurring within a residence or the surrounding curtilage;
 - c. Repairing or replacing interior floors, walls, ceiling, or doors damaged during the collection of evidence by law enforcement related to criminally injurious conduct occurring within a residence.
- 9. “Criminally injurious conduct” means conduct that:
 - a. Constitutes a crime as defined by state or federal law regardless of whether the perpetrator of the conduct is apprehended, charged, or convicted;
 - b. Poses a substantial threat of physical injury, mental distress, or death; and
 - c. Is punishable by fine, imprisonment, or death, or would be punishable but the perpetrator of the conduct lacked the capacity to commit the crime under applicable laws.
- 10. “Derivative victim” means:
 - a. The spouse, child, parent, stepparent, stepchild, sibling, stepsibling, grandparent, grandchild, or guardian of a victim who died as a result of criminally injurious conduct ~~or an act of international terrorism~~;
 - b. A child born to a victim after the victim’s death;
 - c. A person living in the household of a victim who died as a result of criminally injurious conduct ~~or act of international terrorism~~, in a relationship determined by the Board to be substantially similar to a relationship listed in subsection (10)(a);
 - d. The parent, stepparent, sibling, stepsibling, grandparent, or guardian of a minor victim of criminally injurious conduct;

- ~~d. e.~~ A member of the victim’s family who witnessed the criminally injurious conduct ~~or act of international terrorism~~ or who discovered the scene of the criminally injurious conduct ~~or act of international terrorism~~;
- e. ~~f.~~ A natural person who is not related to the victim but who witnessed the criminally injurious conduct ~~or act of international terrorism~~ or discovered the scene of the criminally injurious conduct ~~or act of international terrorism~~; or
- ~~f. g.~~ A natural person whose own mental health counseling and care or presence during the victim’s mental health counseling and care is ~~required for~~ in the best interest of the successful treatment of the victim.
11. “Durable medical equipment” means an appliance, apparatus, device, or product that:
- a. Is medically necessary to treat an injury or condition resulting from criminally injurious conduct ~~or an act of international terrorism~~;
 - b. Improves the function of an injured body part or delays deterioration of a patient’s physical condition;
 - c. Is primarily and customarily used to serve a medical purpose rather than primarily for transportation, comfort, or convenience; and
 - d. Provides the medically appropriate level of performance and quality for the medical injury or condition present.
12. “Economic loss” means financial detriment resulting from medical expense, mental health counseling and care expense, crime scene cleanup expense, funeral expense, or work loss.
13. “Financial Counseling” means financial services which shall include:
- a. Analysis of a victim's financial situation such as income producing capacity and crime related financial obligations,
 - b. Assistance with restructuring budget and debt,
 - c. Assistance in accessing insurance, public assistance and other benefits, and
 - d. Assistance in completing the financial aspects of victim impact statements.
- ~~13.~~ 14. “Fund” means the Victim Compensation and Assistance Fund established by A.R.S. § 41-2407 all State, Federal, and jurisdiction financial resources dedicated to the compensation program through statute, this chapter, or federal grant award.
- ~~14.~~ 15. “Funeral expense” means a reasonable and customary cost, such as those listed on the Statement of Funeral Goods and Services Selected required under A.A.C. R4-12-307, incurred as a direct result of a victim’s funeral, cremation, Native American ceremony, or burial.
- ~~15.~~ 16. “Good cause” means a reason that the Board determines is substantial enough to afford a legal excuse.

- ~~16-17.~~ 17. “Inactive claim” means a claim for which no compensation award is made for 12 consecutive months.
- ~~17-18.~~ 18. “Incident of criminally injurious conduct” means all criminal actions that are related to or dependent upon each other regardless of the time involved in perpetrating the actions, number of persons perpetrating the actions, or the number of crimes with which the perpetrator is or could be charged.
- ~~19.~~ 18. “International terrorism” has the meaning prescribed in 18 U.S.C. 2331.
19. “Jurisdiction” means any county in this state.
20. “Medical expense” means a reasonable and customary cost for medical care provided to a victim or derivative victim due to a physical injury, mental health condition, or medical condition that is a direct result of criminally injurious conduct ~~or an act of international terrorism~~.
21. “Mental distress” means a substantial disorder of emotional processes, thought, or cognition that impairs judgment, behavior, or ability to cope with the ordinary demands of life.
22. “Mental health counseling and care expense” means a reasonable and customary cost to assess, diagnose, and treat a victim’s or derivative victim’s mental distress resulting from criminally injurious conduct ~~or an act of international terrorism~~.
23. “Minimum wage standard” means the uniform minimum wage payable in Arizona under federal or state law, whichever is greater.
24. “Operational unit” means a public or private agency authorized by the Commission to receive, evaluate, and present to the Board a claim.
25. “Program” means the Crime Victim Compensation Program.
26. “Proximate cause” means an event sufficiently related to criminally injurious conduct ~~or act of international terrorism~~ to be held the cause of the criminally injurious conduct ~~or act of international terrorism~~.
27. “Reasonable and customary” means the normal charge within a specific geographic area for a specific service by a provider of a particular level of experience or expertise.
28. “Resident” means a natural person who is domiciled in Arizona or is in Arizona for other than a temporary or transitory purpose.
29. “Subrogation” means the substitution of the state or an operational unit in place of a claimant to enforce a lawful claim against a collateral source to recover any part of a compensation award made to the claimant using funds of the state or operational unit.
30. “Total and permanent disability” means a physical or mental condition that the Board finds is a proximate result of criminally injurious conduct ~~or act of international terrorism~~ and:

- a. Produces a significant and sustained reduction in the victim's former mental or physical abilities dramatically altering the victim's ability to interact with others and carry on normal functions of life;
 - b. Lessens the victim's ability to work to a material degree; or
 - c. Causes a physical or neurophysical impairment from which no fundamental or marked improvement in the victim's crime-related condition can reasonably be expected.
31. "Transportation costs" means a travel expense that may be ~~reimbursed~~ paid to a claimant as follows:
- a. Mileage, calculated at the rate established by:
 - i. The operational unit, or
 - ii. The state if the operational unit has not established a mileage rate;
 - b. Fare or fee expenses; and
 - c. Vehicle rental at the cost specified in the rental agreement.
32. "Victim" means a natural person who suffers a physical injury or medical condition, mental distress, or death as a direct result of:
- a. Criminally injurious conduct,
 - ~~b. An act of international terrorism,~~
 - ~~c. b.~~ The person's good faith effort to prevent criminally injurious conduct ~~or an act of international terrorism,~~ or
 - ~~d. c.~~ The person's good faith effort to apprehend a person suspected of engaging in criminally injurious conduct ~~or an act of international terrorism.~~
33. "Work loss" means a reduction in income from:
- a. Work that a victim or derivative victim would have performed if the victim had not been a victim; and
 - b. Social Security or Supplemental Security Income that a victim would have received or from which a derivative victim would have benefitted if the victim had not been killed.

R10-4-102. Administration of the Fund

- A. The Commission shall ~~deposit~~ include in the Fund all funds ~~received under A.R.S. § 12-116.01 and any other funds~~ received for compensating a claimant under this Chapter.
- B. The Commission shall designate one operational unit for a jurisdiction or jurisdictions to receive an allocation from the Fund each state fiscal year.

- C. The Commission shall distribute a portion of the Fund to each operational unit for expenditure by the Board. The Commission shall distribute the funds using a an allocation formula that approved by the Commission, ~~determines annually using:~~
- ~~1. A base amount for each operational unit,~~
 - ~~2. An analysis of the prior year's claim activity,~~
 - ~~3. The share of population of each jurisdiction, and~~
 - ~~4. The share of crime of each jurisdiction.~~
- D. The Commission shall reserve the lesser of \$50,000 or 10 percent of the Fund to be used in the event of an unforeseen increase of victimization that causes an operational unit for a particular jurisdiction to lack the funds needed to provide compensation.
- E. If there is an unforeseen increase in victimization in a particular jurisdiction, the Commission shall designate an additional operational unit to accept claims from that jurisdiction or make a compensation award based on the criteria established by R10-4-108.
- F. If, at the end of a fiscal year, an operational unit has unexpended funds received from the Commission, the operational unit shall return the funds to the Commission within 90 days after the end of the fiscal year. The Commission shall deposit the returned funds in the Fund for use in the next fiscal year.
- G. Funds collected by an operational unit through subrogation or restitution may be retained by the operational unit to the extent authorized by the Commission and shall be used to pay compensation awards based on the criteria established by R10-4-108.
- ~~H. An operational unit that receives additional funds for victim compensation shall submit a quarterly, written report to the Commission. The operational unit shall include in the report the amount of additional funds received and distributed to compensate victims or claimants. The Commission shall use the information in the written report to apply for federal matching funds. If matching funds are received, the Commission shall forward the matching funds to the appropriate operational unit.~~
- ~~H.~~ H. An operational unit shall use funds to pay administrative costs only to the extent authorized by the Commission.
- I. An operational unit shall pay approved compensation program benefit expenses using benefit category cost rate schedules approved by the Commission. If the Commission has not approved a cost rate schedule for a benefit category, or if an eligible benefit cost is not covered by the approved rate schedule, the operational unit shall negotiate a reasonable and customary cost with the service provider for the approved benefit expense.

R10-4-103. Statewide Operation

For any jurisdiction not served by an operational unit, the Commission shall operate a program in accordance with this Article, assign the jurisdiction to another operational unit, or provide for a program by contract.

R10-4-104. Operational Unit Requirements

A. To be designated by the Commission as an operational unit for a jurisdiction, a public or private agency shall submit to the Commission a written request for designation.

B. The Commission shall designate a public or private agency as the operational unit for a jurisdiction or jurisdictions:

1. Only if the public or private agency agrees not to:
 - a. Use Commission funds or federal funds to supplant funds otherwise available to compensate a victim or claimant;
 - b. Make a distinction between a resident and a non-resident in evaluating a claim; and
 - c. Make a distinction in evaluating a claim relating to a federal crime that occurs in Arizona and one relating to a state crime; and
2. Only if the public or private agency agrees to:
 - a. Forward to the Board a claim relating to an incident of criminally injurious conduct ~~or an act of international terrorism~~ occurring in the public or private agency's jurisdiction or jurisdictions;
 - b. Forward to the Board a claim made by or on behalf of a resident of the public or private agency's jurisdiction or jurisdictions who is a victim or derivative victim of an incident of criminally injurious conduct ~~or an act of international terrorism~~ occurring in another state, the District of Columbia, Puerto Rico, or any other possession or territory of the United States that does not have a crime victim compensation program that meets the requirements of 42 U.S.C. 10602(b);
 - c. Forward to the Board a claim made by or on behalf of a resident of the public or private agency's jurisdiction or jurisdictions who is a victim or derivative victim of an incident of criminally injurious conduct ~~or an act of international terrorism~~ occurring outside of the United States in an area without ~~a~~ an accessible crime compensation program;
 - d. Notify the Commission of any change in the public or private agency's program procedures or program policies before the change takes effect and if the change is material, obtain written approval from the Commission before instituting the change;

- e. ~~Submit a written quarterly~~ financial and program activity reports to the Commission, ~~on a form provided~~ in a format required by the Commission, and at a frequency established by the Commission; ~~and provide detailed information regarding the expenditure of funds received from the Commission and those required as a match for funds received from the Commission;~~
 - f. Provide an application form to a claimant;
 - g. Comply with all civil rights requirements;
 - h. Ensure that each claim is investigated and substantiated before forwarding the claim to the Board for a compensation award; ~~and~~
 - i. Monitor a compensation award to ensure that amounts paid are consistent with this Article;
 - j. Retain compensation claim and award record information:
 - i. For five years after the claim maximum has been reached or ninety-nine years after claim is approved, whichever occurs first,
 - ii. For three years after the claim is denied, and
 - iii. Permanently for any public record of Board action.
- C. If more than one agency requests to be designated by the Commission as an operational unit for a jurisdiction, the Commission shall designate the agency that it determines is better able to evaluate claims and manage the expenditure of public funds. ~~The Commission shall give preference to a public agency if both a public and private agency request designation.~~

R10-4-105. Crime Victim Compensation Board

- A. Each operational unit shall establish a Crime Victim Compensation Board that consists of an odd number of members with at least three members. Members of the Board shall not receive compensation for their services but are eligible for travel reimbursement under A.R.S. § 38-621.
- B. Board members serve a three-year term and are eligible for reappointment.
- C. When a Board is first established, approximately one-third of the members shall be appointed for a three-year term, one-third for a two-year term, and one-third for a one-year term. If a Board member is unable to complete the term of the Board member's appointment, the Commission ~~Chairman~~ Director shall appoint a new Board member for the unexpired term only.
- D. When a Board is first established and when a new member is appointed to an existing Board, the Commission ~~Chairman~~ Director shall choose the individual to be appointed from a list submitted by the operational unit.
- E. A majority of the Board membership constitutes a quorum that may transact the business of the Board.

- F. The Board shall elect from its membership a chairman and other necessary officers to serve terms determined by the Board.
- G. The Board shall make a compensation award according to this Article and perform other acts necessary for operation of the program.
- H. As required by A.R.S. Title 38, Chapter 3, Article 8, a Board member shall not participate in making any decision regarding a claim or compensation award if the Board member or a relative of the Board member, as defined at A.R.S. § 38-502, has a substantial interest in the decision.
- I. An employee of an operational unit shall not serve as a Board member.
- J. A newly appointed Board member shall meet all training requirements established by the Commission for new Board members within six months of the Board member's date of appointment.
- K. A Board member who is reappointed shall meet all training requirements established by the Commission for reappointed Board members within six months of the Board member's date of reappointment.
- L. A Board member shall not miss more than one-third of Board meetings in a year due to unexcused absence.

R10-4-106. Prerequisites for a Compensation Award

- A. The Board shall make a compensation award only if it determines that:
 - 1. Criminally injurious conduct ~~or an act of international terrorism~~:
 - a. Occurred in Arizona; or
 - b. Occurred outside of Arizona in an area without a an accessible crime compensation program and affected a resident;
 - 2. The criminally injurious conduct ~~or act of international terrorism~~ directly resulted in the victim's physical injury, mental distress, medical condition, or death;
 - 3. The victim of the criminally injurious conduct ~~or act of international terrorism~~ or a person who submits a claim regarding criminally injurious conduct ~~or an act of international terrorism~~ was not:
 - a. The perpetrator, an accomplice of the perpetrator, or a person who encouraged or in any way participated in or facilitated the criminally injurious conduct ~~or act of international terrorism~~ that ~~directly resulted in the victim's physical injury, mental distress, medical condition, or death~~ is the subject of the claim;
 - b. ~~Serving a sentence of imprisonment in any detention facility, home arrest program, or work furlough at the time of the criminally injurious conductor act of international terrorism that~~

~~(A)(3)(c)(iv)~~ is are waived for the deceased victim. Expenses incurred by the deceased victim and eligible claimants may be covered.

- D. If the Board determines that a compensation award does not solely benefit a claimant who is delinquent under ~~subsection (A)(3)(e)~~ subsections (A)(3)(c)(ii) and (A)(3)(c)(iii), the ~~requirement requirements~~ under ~~subsection (A)(3)(e)~~ subsections (A)(3)(c)(ii) and (A)(3)(c)(iii) may be waived for:
1. ~~A claimant who is the parent or legal guardian of a minor victim of criminally injurious conduct or an act of international terrorism,~~ A derivative victim under R10-4-101(10)(d); or
 2. A compensation award for expenses under R10-4-108(C)(3).

R10-4-107. Submitting a Claim

- A. If the prerequisites in R10-4-106 are met, a natural person is eligible to submit a claim if the person is:
1. A victim;
 2. A derivative victim;
 3. A person authorized to act on behalf of a victim or a deceased victim's dependent; or
 4. A person who assumed an obligation for or paid an expense directly related to a victim's economic loss.
- B. If a person is eligible under subsection (A) to submit a claim regarding more than one incident of criminally injurious conduct ~~or act of international terrorism~~, the person shall submit a separate claim regarding each incident of criminally injurious conduct ~~or act of international terrorism~~.
- C. If more than one person is eligible under subsection (A) to submit a claim regarding an incident of criminally injurious conduct ~~or act of international terrorism~~, each person shall submit a separate claim.
- D. To apply for a compensation award, a person who is eligible under subsection (A) shall submit a claim, using a form that is available from the Commission, to the operational unit for the jurisdiction in which the incident of criminally injurious conduct occurred or to the operational unit for the jurisdiction in which a victim lives if the incident of criminally injurious conduct ~~is an act of international terrorism~~ or occurred in an area without a an accessible victim compensation program. ~~The claimant shall provide the following:~~
1. ~~About the victim:~~
 - a. ~~Full name,~~
 - b. ~~Residential address,~~
 - c. ~~Gender,~~

- ~~d. Date of birth;~~
 - ~~e. Residential and work telephone numbers;~~
 - ~~f. Statement of whether the victim is deceased;~~
 - ~~g. Ethnicity;~~
 - ~~h. Statement of whether the victim is a resident, and~~
 - ~~i. Statement of whether the victim is disabled;~~
- ~~2. About the claimant if the claimant is not the victim:~~
- ~~a. Full name;~~
 - ~~b. Residential address;~~
 - ~~c. Gender;~~
 - ~~d. Date of birth;~~
 - ~~e. Residential and work telephone numbers;~~
 - ~~f. Relationship to the victim; and~~
 - ~~g. If there are multiple victims or derivative victims of an incident of criminally injurious conductor act of international terrorism, the name, residential address, and date of birth of each, and for derivative victims, the relationship to the victim;~~
- ~~3. About the crime:~~
- ~~a. Type of crime;~~
 - ~~b. Statement of whether the crime was related to domestic violence;~~
 - ~~c. Statement of whether the crime was a federal crime;~~
 - ~~d. Date on which crime was committed;~~
 - ~~e. Date on which crime was reported to law enforcement authorities;~~
 - ~~f. Name of law enforcement agency to which the crime was reported;~~
 - ~~g. Name of law enforcement officer to whom the crime was reported;~~
 - ~~h. Law enforcement report number;~~
 - ~~i. Location of crime;~~
 - ~~j. Name of perpetrator, if known; and~~
 - ~~k. Brief description of the crime and resulting injuries;~~
- ~~4. About a civil lawsuit:~~
- ~~a. Statement of whether the claimant has or will file a civil lawsuit related to the crime; and~~
 - ~~b. If the answer to subsection (D)(4)(a) is yes, the name, address, and telephone number of the claimant's attorney;~~
- ~~5. About benefits from collateral sources:~~

- ~~a. List of the benefits the claimant has received since the incident of criminally injurious conductor act of international terrorism or is entitled to receive; and~~
- ~~b. For each benefit identified:
 - ~~i. Type of benefit,~~
 - ~~ii. Contact address and telephone number; and~~
 - ~~iii. Claimant's identification or policy number;~~~~
- ~~6. About the economic loss for which compensation is requested:
 - ~~a. Medical expenses. A statement of whether the claim includes medical expenses and if so, the name, address, telephone number, account number, and date of service for each provider;~~
 - ~~b. Mental health counseling and care expenses. A statement of whether the claim includes mental health counseling and care expenses and if so, the name, address, telephone number, account number, and date of service for each provider;~~
 - ~~c. Work loss expenses. A statement of whether the claim includes work loss expenses and if so, the date on which the claimant was first unable to work, date on which the claimant returned to work, total time lost from work, hourly rate of pay, number of hours worked each week, number of hours worked each day, name, address, and telephone number of employer, and name of supervisor;~~
 - ~~d. Funeral expenses. A statement of whether the claim includes funeral expenses and if so, the name, address, and telephone number of the provider and the amount paid; and~~
 - ~~e. Crime scene cleanup expenses. A statement of whether the claim includes crime scene cleanup expenses and if so, the name, address, and telephone number of the provider and the amount paid;~~
 - ~~f. Transportation costs. A statement of whether the claim includes transportation costs and if so, the reason for travel as listed under R10-4-108(C)(6) and if mileage is claimed, the date and mileage of each trip; and~~~~
- ~~7. The claimant's dated signature:
 - ~~a. Certifying that the claimant is eligible to submit a claim and that the information provided is true and correct to the best of the claimant's knowledge;~~
 - ~~b. Subrogating to the state and operational unit the claimant's right to receive benefits from a collateral source;~~
 - ~~c. Authorizing the release of confidential information necessary to administer the claim; and~~
 - ~~d. Authorizing the release to the Program of protected health information that relates to care provided as a result of the criminally injurious conductor act of international terrorism and is necessary to verify the claim.~~~~

- E. A claimant shall ~~attach~~ submit the following in addition to the claim form submitted under subsection (D):
1. A copy of all bills, contracts, receipts, and insurance statements relating to each expense ~~claimed under subsection (D)(6);~~ and
 2. ~~If work loss expenses are claimed, a signed statement on official letterhead:~~
 - a. ~~From the claimant's employer verifying the information provided under subsection (D)(6)(c);~~
and
 - b. ~~If applicable, from the physician or mental health care provider indicating the claimant:~~
 - i. ~~Was unable to work as a result of being a victim or derivative victim, the length of time the claimant was unable to work, and the date on which the claimant was or will be able to return to work; or~~
 - ii. ~~Is totally and permanently disabled.~~
 3. Any documentation required by the operational unit to fully investigate and substantiate claimant eligibility and all claim expense requests.

R10-4-108. Compensation Award Criteria

- A. The Board shall meet at least every 60 days to decide, based on the findings made by the operational unit, the eligibility of the claimant, whether to make a compensation award, and ~~if so~~, the terms and amount of ~~the~~ any compensation award. The Board shall make a decision within 60 days after the operational unit receives a complete and actionable claim under R10-4-107 unless good cause for delay exists. The Board shall inform the claimant in writing within 10 business days of the Board's decision.
- B. The Board shall not make a compensation award unless it determines that the prerequisites in R10-4-106 are met.
- C. The Board shall make a compensation award only for the following:
1. Reasonable and customary medical expenses due to ~~the victim's~~ physical injury, medical condition, mental health condition, or death.
 - a. The Board shall include the following as a medical expense:
 - i. Repair of damage to a victim's prosthetic device, eyeglasses or other corrective lenses, or a dental device; ~~and~~
 - ii. Durable medical equipment required for treatment of the victim; ~~and~~
 - iii. A victim's or derivative victim's prescription costs related to mental health counseling and care.

- b. The Board shall not include as a medical expense ~~a charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or other institution that provides medical services unless the Board determines that the private room is medically necessary;~~
 - i. A charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or other institution that provides medical services unless the Board determines that the private room is medically necessary; and
 - ii. Any drug, substance, or chemical included under Schedule I of the Federal Controlled Substances Act 21 U.S.C. §812(c).
2. Reasonable and customary work loss expenses for:
- a. A victim or derivative victim whose ability to work is reduced due to physical injury, mental distress, ~~or~~ medical condition, or substantiated threat to safety or well-being directly resulting from the criminally injurious conduct ~~or act of international terrorism;~~
 - b. A victim or derivative victim to ~~make~~ attend a medical appointment or mental health counseling and care visit or attend a ~~court~~ criminal justice proceeding directly related to the criminally injurious conduct ~~or act of international terrorism;~~
 - c. A derivative victim listed in R10-4-101(10)(a) through (c) if the Board determines the death resulted in a loss of support from the victim to the derivative victim;
 - d. ~~A parent or guardian of a minor victim~~ A derivative victim under R10-4-101(10)(d) to transport or accompany the a minor victim to during a medical appointment, hospitalization, residential treatment or mental health counseling and care visit or ~~court~~ criminal justice proceeding directly related to the criminally injurious conduct ~~or act of international terrorism;~~
 - e. A derivative victim to make funeral arrangements for a deceased victim, attend a victim's funeral, or tend to the affairs of a deceased victim ~~if the derivative victim made the funeral arrangements or tended to the affairs of the deceased victim;~~ or
 - f. A family member or guardian or a person living in the victim's household in a relationship similar to those listed in R10-4-101(10)(a) to provide non-skilled nursing care for the victim that is ~~required~~ medically necessary as a result of the criminally injurious conduct ~~or act of international terrorism;~~
3. Reasonable and customary funeral expenses. ~~Expenses~~ Personal attendee expenses for clothing, travel, lodging, food, or per diem to attend a victim's funeral, Native American ceremony, or burial are not reasonable and customary funeral expenses and shall not be included in a claim for a compensation award;

4. Reasonable and customary mental health counseling and care expenses due to a victim's or derivative victim's mental distress resulting from the criminally injurious conduct ~~or act of international terrorism~~ if:
 - a. The mental health counseling and care is provided by an individual who:
 - i. Is licensed for independent practice by the Board of Behavioral Health Examiners,
 - ii. Is a behavioral health professional as defined at A.A.C. R9-20-101, or
 - ~~iii. Is a behavioral health technician as defined at A.A.C. R9-20-101 and employed by an agency licensed by the Department of Health Services, or~~
 - ~~iv.~~ iii. Is authorized to perform mental health counseling and care by the laws of a federally recognized tribe; and
 - b. The mental health counseling and care expenses do not include a charge for a private room in a hospital, clinic, convalescent home, nursing care facility, or any other institution that provides medical services unless the Board determines that the private room is medically necessary;
5. Reasonable and customary financial counseling expenses due to a victim's monetary loss, fraudulent charges, or debt incurred as a direct result of the criminally injurious conduct if:
 - a. Financial counseling services are provided by an experienced financial counselor or advisor, who is licensed by the State of Arizona and operating within his or her licensed discipline; or
 - b. If the provider is out-of-state, payment for financial counseling services shall only be made if such professional is licensed under one of the titles recognized by the State of Arizona's licensed professions.
- ~~5.~~ 6. Reasonable and customary crime scene cleanup expenses due to a victim's homicide, aggravated assault, or sexual assault; and
- ~~6.~~ 7. Reasonable and customary transportation costs related to:
 - a. Obtaining medical care as defined in subsection (C)(1),
 - b. Obtaining mental health counseling and care as defined in subsection (C)(4),
 - c. ~~Attending a court~~ A victim or derivative victim attending a criminal justice proceeding directly related to the incident of criminally injurious conduct ~~or act of international terrorism~~ that is the subject of the claim,
 - d. The victim obtaining a medical forensic examination or participating in a medical forensic interview, and
 - e. Responding to a substantiated threat to the safety or well-being of the victim or a derivative victim listed in R10-4-101(10)(~~d~~ e).

D. The Board shall not make a compensation award to a claimant that exceeds:

1. Twenty-five thousand dollars for all economic loss submitted under a claim as a result of an incident of criminally injurious conduct ~~or act of international terrorism~~;
2. The amount available to the operational unit and not committed to other compensation awards at the time the Board makes the compensation award determination;
3. For work loss expenses:
 - a. ~~Work loss expenses under subsections (C)(2)(a), and (C)(2)(e) (C)(2)(b), (C)(2)(d), (C)(2)(e), and (C)(2)(f), are limited to an amount per calendar week equal to 40 hours at the current minimum wage and; the maximum amount specified in subsections (D)(1) and (D)(2),~~
 - i. For a victim's work loss, the maximum amount specified in subsections (D)(1) and (D)(2), or
 - ii. For a derivative victim's work loss, \$10,000;
 - b. ~~Work loss expenses under subsections (C)(2)(b) and (C)(2)(d) are limited to an amount per calendar month equal to 40 hours at the current minimum wage and the maximum amount specified in subsections (D)(1) and (D)(2);~~ Loss of support under subsection (C)(2)(c) may be awarded to the maximum allowed under subsections (D)(1) and (D)(2) in a lump sum or periodic payments;
 - e. ~~Work loss expenses under subsection (C)(2)(e) are limited to an amount equal to 24 hours at the current minimum wage, and~~
 - d. ~~Work loss expenses under subsection (C)(2)(f) are limited to an amount equal to 160 hours at the current minimum wage;~~
4. ~~For mental health counseling and care expenses, \$5,000 per victim or derivative victim;~~
4. For counseling expenses:
 - a. \$5,000 per victim or derivative victim under subsection (C)(4), or
 - b. Under subsection (C)(5):
 - i. \$2,000 per victim, or
 - ii. An amount per victim that shall not exceed the actual monetary loss, fraudulent charges, or debt incurred as a result of the criminally injurious conduct;
 - c. The combined total paid under subsection (C)(4) and (C)(5) shall not exceed \$5,000 per victim or derivative victim.
5. For funeral expenses, \$10,000;
6. For crime scene cleanup expenses, \$2,000 for cleanup provided by a professional service, of which \$500 may be for crime scene cleanup not provided by a professional service to include only repair or cleanup material costs for one-time use items; and

7. For transportation costs, ~~\$1,500 paid as reimbursement of actual transportation expenses~~ \$2,000 per victim or derivative victim.
- E.** If the Board determines a victim is totally and permanently disabled, the Board may expedite a compensation award for the victim. The Board shall determine the amount of the expedited compensation award to the maximum allowed under subsection (D) and determine whether to provide the amount awarded in a lump sum or periodic payments.
- F.** The Board shall deny or reduce a compensation award to a claimant if:
1. The victim or claimant has recouped or is eligible to recoup the economic loss from a collateral source except if the Board determines that use of a collateral source, excluding benefits from a federal or federally financed program, ~~to pay for mental health counseling and care expenses~~ is not in the best interest of the victim or derivative victim, ~~the Board shall not deny or reduce a compensation award for the mental health counseling and care expenses;~~
 2. The Board determines that the victim or claimant earned income from substitute work or unreasonably failed to perform available substitute work; or
 3. The Board determines that the ~~victim's physical injury, medical condition, mental distress, or death~~ incident of criminally injurious conduct that is the subject of the claim was due in substantial part to the victim's:
 - a. Negligence,
 - b. Intentional unlawful conduct that was the proximate cause of the incident of criminally injurious conduct ~~or act of international terrorism,~~ or
 - c. Conduct intended to provoke or aggravate that was the proximate cause of the incident of criminally injurious conduct ~~or act of international terrorism.~~
- G.** The Board shall deny or reduce a compensation award under subsection (F)(3) in proportion to the degree to which the Board determines the victim is responsible for the ~~victim's physical injury, medical condition, mental distress, or death~~ incident of criminally injurious conduct that is the subject of the claim.
- H.** The Board shall not consider eligibility under (F)(3) for:
- a. A victim that was a minor at the time of the criminally injurious conduct, or
 - b. Any behavior or action of a victim that is committed by the victim while under the duress or experience of threat, exploitation, coercion or any circumstance absent the victim's own willful desire to participate.
- H. I.** The Board shall deny a compensation award to a claimant if:
1. The Board determines that the victim or claimant did not cooperate fully with the appropriate law enforcement agency and the failure to cooperate fully was not due to a ~~substantial health~~

substantiated medical, mental health, or safety risk. The Board shall use the following criteria to determine whether failure to cooperate fully with law enforcement warrants that a claim be denied:

- a. The victim or claimant failed to assist in the prosecution of a person who engaged in the criminally injurious conduct ~~or act of international terrorism~~ or failed to appear as a witness for the prosecution;
 - b. The victim or claimant delayed assisting in the prosecution of a suspect and as a result, the suspect of the criminally injurious conduct ~~or act of international terrorism~~ escaped prosecution or the prosecution of the suspect was negatively affected; or
 - c. A law enforcement authority indicates to the Board that the victim or claimant delayed giving information pertaining to the criminally injurious conduct ~~or act of international terrorism~~, failed to appear when requested without good cause, gave false or misleading information, or attempted to avoid law enforcement authorities; ~~or~~.
2. The Board determines that the victim or claimant knowingly made a false or misleading statement on the claim or in writing on supporting documents submitted to the Board or operational unit.

~~I~~ J. If there are insufficient funds to make a compensation award, the Board may;

1. Deny the claim,
2. Make a partial award and reconsider the claim later during the fiscal year, or
3. Extend the claim into a subsequent fiscal year.

~~J~~ K. The Board shall not make a compensation award to pay attorney's fees incurred by a victim or claimant.

~~K~~ L. The operational unit, in its discretion, may pay a compensation award directly to a claimant or to a provider.

~~L~~ ~~The operational unit may close an inactive claim:~~

- ~~1. Five years after the claim is submitted for an adult victim or derivative victim except in a homicide case;~~
- ~~2. Ten years after the claim is submitted for a minor victim or derivative victim except in a homicide case; and~~
- ~~3. Fifteen years after the claim is submitted for a homicide victim or derivative victim.~~

R10-4-109. Hearing; Request for Rehearing

- A. If the prerequisites in R10-4-106 are met, the Board shall conduct a hearing regarding a claim submitted under this Article.
- B. The Board shall provide a claimant with at least 10 business days' notice of a hearing or rehearing.

- C. The Board shall provide written notice of its decision to the claimant within 10 business days after a hearing or rehearing.
- D. The Board shall serve notice of a compensation-award denial or reduction by personal delivery or certified mail to the last known residence or place of business of the person being served. Service is complete upon personal delivery or five days after mailing by certified mail.
- E. The ~~Board~~ operational unit may request a rehearing of a decision by the Board at any time and for any reason under this Article.
- F. A claimant who is aggrieved by a decision of the Board made at a hearing may request a rehearing of the decision within 30 days after the Board serves notice of the decision. A claimant shall request a rehearing in writing and specify the grounds for the request.
- G. A claimant may amend a request for a rehearing of a Board decision at any time before it is ruled on by the Board.
- H. The Board may require additional written explanation of an issue raised in a request for rehearing of a Board decision and may provide for oral argument.
- I. The ~~Board~~ operational unit ~~shall~~ may grant a rehearing of a Board decision for any of the following reasons materially affecting a claimant's rights:
 1. Irregularity in the proceedings of the Board or its operational unit or any order or abuse of discretion that deprived the claimant of a fair Board decision;
 2. Misconduct of the Board, the operational unit, or staff of the operational unit;
 3. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original Board meeting;
 4. Error in the admission or rejection of evidence or other error of law occurring at the Board meeting; and
 5. The decision is not justified by the evidence or is contrary to law.
- J. If the operational unit denies a rehearing under subsection (I), a claimant may request a state-level claim review of a Board decision under R10-4-110(A).
- ~~J. K.~~ When a rehearing is granted, the Board shall ensure that the rehearing covers only the matters specified under subsection (I) that materially affect a claimant's rights.
- ~~K. L.~~ The Board may affirm or modify a decision on all or part of the issues for any of the reasons listed in subsection (I). An order modifying a decision shall specify with particularity the grounds for the order.

R10-4-110. State-level Claim Review

- A. A claimant who is aggrieved by a decision of a ~~Board made at~~ related to a rehearing under R10-4-109 may request a state-level claim review of the decision within 30 days after the Board serves notice of the decision. The claimant shall request a state-level claim review in writing, specify the grounds for the request, and submit the request directly to the Commission.
- B. The State Claim Review Panel shall serve as the decision-making body for state-level claim reviews. The State Claim Review Panel shall consist of the following members:
 - 1. The Arizona Criminal Justice Commission Crime Victim Services Program Manager,
 - 2. A representative of the Office of the Attorney General, and
 - 3. A Board chair from an operational unit that is not the operational unit that originally heard the claim being reviewed.
- C. The State Claim Review Panel shall meet as needed to hear claimant requests for a state-level claim review. The State Claim Review Panel shall complete a state-level claim review within 30 days after receiving the written request required under subsection (A).
- D. A claimant may amend a request for a state-level claim review of a Board decision at any time before it is ruled on by the State Claim Review Panel.
- E. When a state-level claim review is granted, the State Claim Review Panel shall ensure that the review:
 - 1. Considers only evidence previously presented to the Board, and
 - 2. Decides only whether the Board's decision was consistent with the standards in this Article.
- F. The State Claim Review Panel may affirm or overturn a decision made by a Board.
- G. A decision by the State Claim Review Panel is final. If the Panel overturns a decision made by a Board related to:
 - 1. Eligibility, the operational unit where the claim originated shall proceed with any further action related to the claim; or
 - 2. An economic loss, the operational unit where the claim originated shall pay the economic loss using compensation funds available to the operational unit.
- H. The State Claim Review Panel shall provide written notice of the Panel's decision to the claimant and the operational unit that originally heard the claim within 10 business days after the state-level claim review.

R10-4-111. Emergency Compensation Award

- A. After receiving a claim submitted under R10-4-107, an operational unit may grant one emergency compensation award for a claim if the operational unit determines there is a reasonable likelihood that:

1. The person to whom the emergency compensation award is made is or will be an eligible claimant, and
 2. Serious hardship will result to the person if an immediate compensation award is not made.
- B.** An operational unit that makes an emergency compensation award shall ensure that the emergency compensation award does not exceed ~~\$1,000.~~ :
1. For funeral expenses, \$5,000, or
 2. \$1,000 for all other compensation benefit expense categories.
- C.** If the Board decides under R10-4-108 to make a compensation award to the claimant, the Board shall ensure that the amount of the emergency compensation award is deducted from the final compensation award made to the claimant.

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 2. CRIME VICTIM ASSISTANCE PROGRAM

Section

- R10-4-201. Definitions
- R10-4-202. Administration of the Fund
- R10-4-203. Grant Eligibility Requirements
- R10-4-204. Services

R10-4-201. Definitions

In this Article:

1. “Commission” means the Arizona Criminal Justice Commission, established by A.R.S. § 41-2404.
2. “Crime” means conduct, completed or preparatory, committed in Arizona, that is a misdemeanor or felony under state law regardless of whether the perpetrator of the conduct is convicted. Conduct arising out of owning, maintaining, or operating a motor vehicle, aircraft, or water vehicle is not a crime unless the person engaged in the conduct acts intentionally, knowingly, recklessly, or with criminal negligence, to cause physical injury, threat of physical injury, or death.
3. “Financial support from other sources” means that at least ~~one-fourth~~ one-fifth of the budget for a victim assistance program is from sources, including in-kind contributions, other than the Fund.

4. "Fund" means the Victim Compensation and Assistance Fund established by A.R.S. § 41-2407.
5. "Immediate family" means spouse, child, stepchild, parent, stepparent, sibling, stepbrother, stepsister, grandparent, grandchild, or guardian.
6. "In-kind contribution" means a non-cash ~~donation~~ source of program support to which a cash value can be given.
7. "Subrogation" means the substitution of the state or a victim assistance program in the place of a victim to enforce a lawful claim against a third party to recover the cost of services to the victim paid for with financial support from the Fund or other sources.
- ~~8. "Substantial financial support from other sources" means that at least half of the financial support to a victim assistance program is from sources, not including in-kind contributions, other than the Fund.~~
- ~~9.~~ 8. "Victim" means a natural person against whom a crime is perpetrated and the victim's immediate family.

R10-4-202. Administration of the Fund

- A. The Commission shall deposit in the Fund all funds received ~~under A.R.S. § 31-467.06(B) and 31-411(F) and any other funds received~~ for victim assistance under this Chapter.
- B. The Commission shall make distributions from the Fund through a competitive grant process that complies with A.R.S. § 41-2701 et seq. and ensures statewide distribution when possible and effective and efficient use of the funds.
- C. At least six weeks before an application for a grant from the Fund is due, the Commission shall make a grant application form and instructions available on its web site, which is www.azcjc.gov.
- D. To apply for a grant from the Fund, an authorized official of a public agency or private nonprofit organization that operates a program that meets the standards in R10-4-203 shall complete and submit to the Commission the application form referenced in subsection (C).
- E. The Commission's grant period coincides with the state's fiscal year. If funds received from the Commission are unexpended at the end of the grant period, the public agency or private nonprofit organization that received the funds shall return them to the Commission within 30 days after receiving a written request from the Commission. The Commission shall redeposit the unexpended funds in the Fund for use in the next fiscal year.

R10-4-203. Grant Eligibility Requirements

~~A. A non-criminal justice governmental agency or private nonprofit organization may apply for and receive a grant from the Commission only if the non-criminal justice governmental agency or private nonprofit organization is approved by a prosecuting attorney's office or law enforcement agency.~~

~~B. A. A public agency or private nonprofit organization ~~qualified under subsection (A)~~ may apply for and receive a grant from the Commission if, in addition to the other requirements in this Section, the public agency or private nonprofit organization operates a ~~program~~ project that:~~

- ~~1. Provides services described in R10-4-204 to benefitting victims or addressing victimization;~~
- ~~2. Does not use Commission funds or federal funds to supplant funds otherwise available to the ~~program~~ project for victim assistance;~~
- ~~3. Uses volunteers effectively and efficiently to provide ~~victim~~ services;~~
- ~~4. Promotes coordinated public and private efforts to assist victims or address victimization within the community served;~~
- ~~5. ~~Assists a victim in seeking available victim compensation benefits~~ Increases awareness of, and facilitates access to, available victim compensation benefits; and~~
- ~~6. Complies with all applicable civil rights laws.~~

~~C. B. To receive a grant from the Commission, a public agency or private nonprofit organization that operates a ~~program that has existed for at least three years~~ project shall demonstrate to the Commission that the ~~program~~ project:~~

- ~~1. Has ~~substantial financial support from a source other than the Fund~~ financial support from other sources; and~~
- ~~2. Has a history of providing effective services to victims in accordance with section (A). The Commission shall determine whether the ~~program's victim~~ project's services are effective based on:
 - ~~a. The length of time the program has provided victim services Evidence-based outcomes demonstrating project services are benefitting victims or addressing victimization, and~~
 - ~~b. Whether data indicate program results are achieved in a cost-effective manner.~~~~

~~D. To receive a grant from the Commission, a public agency or private nonprofit organization that operates a ~~program that has existed for fewer than three years~~ shall demonstrate to the Commission that the ~~program~~:~~

- ~~1. Has financial support from a source other than the Fund; and~~
- ~~2. Is designed to meet a currently unmet need for a specific victim service.~~

~~E. C.~~ To receive a grant from the Commission, a public agency or private nonprofit organization shall agree to:

1. Submit to the Commission ~~quarterly~~ financial reports, on a form provided by the Commission, at a frequency established by the Commission, containing detailed expenditures of funds received from the Commission and matching funds;
2. ~~Submit an annual report~~ Report project activity to the Commission, on a form provided by the Commission, at a frequency established by the Commission, ~~and provide the following information:~~
 - a. ~~Number of victims served during the reporting period, by type of crime;~~
 - b. ~~Type of services provided;~~
 - c. ~~Number of times each service was provided;~~
 - d. ~~Ethnic background, age, and sex of each victim served;~~
 - e. ~~Type of assistance provided to victims in obtaining victim compensation;~~
 - f. ~~Number of times each type of assistance was provided; and~~
 - g. ~~A narrative assessment of the impact of Commission funds on the program.~~

R10-4-204. Services

A. A public agency or private nonprofit organization that receives a grant from the Commission shall ensure that the funds are used to provide only the following victim services or services addressing victimization:

1. Crisis intervention services to meet the urgent emotional or physical needs of a victim. ~~Crisis intervention services may include a 24-hour hotline for counseling or referrals for a victim;~~
2. Emergency services including such as:
 - a. Temporary shelter or relocation for a victim who cannot safely remain in current lodgings;
 - b. ~~Petty cash~~ Emergency financial assistance for immediate needs related to transportation, food, shelter, and other necessities; and
 - c. Temporary repairs ~~such as~~ to doors, locks, and windows damaged as a result of a crime to prevent the home or apartment from being re-burglarized immediately further victimization;
3. Support services, including such as:
 - a. Counseling Assistance dealing with the effects of victimization;
 - b. Assistance dealing with other social services and criminal justice agencies;
 - c. Assistance in replacing, or obtaining the return of property kept as evidence;
 - d. Assistance in dealing with the victim's landlord or employer; and
 - e. Referral to other sources of assistance as needed;

4. Court-related services, ~~including such as:~~
 - a. Direct services or ~~petty-cash~~ financial assistance that helps a victim participate in criminal justice proceedings, ~~including transportation to court,~~ such as child care, meals, and parking expenses; and
 - b. Advocate services ~~including such as~~ escorting a victim to criminal justice-related interviews, court proceedings, and assistance in accessing temporary protection services; and
 5. Notification services, ~~including notifying a victim:~~ such as those found in A.R.S Title 13, Chapter 40, Crime Victims' Rights.
 - a. ~~Of significant developments in the investigation or adjudication of the case;~~
 - b. ~~That a court proceeding, for which the victim has been subpoenaed, has been canceled or rescheduled; and~~
 - c. ~~Of the final disposition of the case.~~
- B.** A public agency or private nonprofit organization that receives a grant from the Commission may use the funds to ~~provide:~~
1. ~~Training~~ Provide training for salaried or volunteer staff of ~~criminal justice, social services, mental health, or related agencies,~~ agencies who provide ~~direct~~ services to directly benefitting victims; and
 2. ~~Printing and distributing brochures or similar announcements~~ Produce educational or outreach materials describing the ~~direct~~ services available, how to obtain program assistance, and volunteer opportunities; and
 3. Provide training or services focused on preventing initial victimization or further victimization connected to violent crime.
- C.** A public agency or private nonprofit organization that receives a grant from the Commission shall ensure that funds are not used for the following:
1. ~~Crime~~ Broad crime prevention efforts, other than those aimed at providing specific ~~emergency help after an individual is victimized~~ services addressing victimization;
 2. General public relations programs;
 3. Advocacy for a particular legislative or administrative reform;
 4. General criminal justice agency improvement; or
 5. A ~~program~~ project in which victims are not the primary beneficiaries, or a project not directly addressing victimization;
 6. ~~Management training or training for persons who do not provide direct services to a victim; or~~
 7. ~~Victim Compensation provided under this Chapter.~~