

House Engrossed

minimum balance notification; victim fund

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2132

AN ACT

AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES; RELATING TO THE VICTIM  
COMPENSATION AND ASSISTANCE FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2407, Arizona Revised Statutes, is amended to  
3 read:

4 41-2407. Victim compensation and assistance fund;  
5 subrogation; prohibited debt collection activity;  
6 minimum balance notification; definition

7 A. The victim compensation and assistance fund is established. The  
8 Arizona criminal justice commission shall administer the fund. The victim  
9 compensation and assistance fund shall consist of monies collected  
10 pursuant to section 31-411, subsection E and sections 12-116.08, 13-4310,  
11 31-418, 31-467.06 and 41-1674, unclaimed victim restitution monies  
12 pursuant to sections 22-116 and 44-313 and monies available from any other  
13 source.

14 B. Subject to legislative appropriation, the Arizona criminal  
15 justice commission shall allocate monies in the victim compensation and  
16 assistance fund to public and private agencies for the purpose of  
17 establishing, maintaining and supporting programs that compensate and  
18 assist victims of crime.

19 C. The allocation of monies pursuant to this section shall be made  
20 in accordance with rules adopted by the Arizona criminal justice  
21 commission pursuant to section 41-2405, subsection A, paragraph 8. The  
22 rules shall provide that persons who suffered personal injury or death  
23 that resulted from an attempt to aid a public safety officer in the  
24 prevention of a crime or the apprehension of a criminal may be eligible  
25 for compensation.

26 D. This state and the applicable operational unit or qualified  
27 program, as defined in the victim compensation program rules, are  
28 subrogated to the rights of an individual who receives monies from the  
29 victim compensation and assistance fund to recover or receive monies or  
30 benefits from a third party, to the extent of the amount of monies the  
31 individual receives from the fund.

32 E. A licensed health care provider who agrees to the victim  
33 compensation program rules may receive program monies for providing health  
34 and medical services to a victim or claimant. A licensed health care  
35 provider who accepts the full allowable payment for those services from a  
36 victim compensation program funded pursuant to this section is deemed to  
37 have accepted the payment as the full payment for those services. The  
38 licensed health care provider may not collect or attempt to collect any  
39 payment for the same health and medical services from the victim or  
40 claimant, except that if a victim compensation program funded pursuant to  
41 this section is unable to pay the full allowable payment to a licensed  
42 health care provider because of a lack of available monies or for any  
43 other reason, the licensed health care provider may collect the unpaid  
44 balance for the services from the victim or claimant or from a third-party  
45 payor, and the total amount billed or requested by the licensed health

1 care provider may not exceed the full allowable payment that the licensed  
2 health care provider agreed to accept from the victim compensation program  
3 for the services.

4 F. If a licensed health care provider receives notice that a person  
5 has filed a claim with a victim compensation program funded by this  
6 section, the licensed health care provider is prohibited from any debt  
7 collection activity for any monies owed by the person that are included in  
8 the filed claim until an award is made on the claim or until a  
9 determination is made that the claim is noncompensable. For the purposes  
10 of this subsection, "debt collection activity" includes repeatedly  
11 telephoning or writing to the claimant and threatening to either turn the  
12 matter over to a debt collection agency or to an attorney for collection,  
13 enforcement or filing of any other debt collection process. Debt  
14 collection activity does not include routine billing or inquiries about  
15 the status of the claim.

16 G. ON OR BEFORE JUNE 30 OF EACH FISCAL YEAR, THE ARIZONA CRIMINAL  
17 JUSTICE COMMISSION SHALL NOTIFY THE JOINT LEGISLATIVE BUDGET COMMITTEE AND  
18 THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING IF LESS THAN  
19 \$12,500,000 IS DEPOSITED IN THE VICTIM COMPENSATION AND ASSISTANCE FUND  
20 AND AVAILABLE FOR THE PURPOSES DESCRIBED IN THIS SECTION FOR THE CURRENT  
21 FISCAL YEAR. IN ANY FISCAL YEAR IN WHICH THE AMOUNT OF MONIES DEPOSITED  
22 IN THE FUND PURSUANT TO SECTIONS 12-116.08, 13-4310, 31-411, 31-418,  
23 31-467.06 AND 41-1674, FROM UNCLAIMED VICTIM RESTITUTION MONIES PURSUANT  
24 TO SECTIONS 22-116 AND 44-313 AND FROM MONIES AVAILABLE FROM ANY OTHER  
25 SOURCE IS LESS THAN \$12,500,000, THE LEGISLATURE SHALL APPROPRIATE MONIES  
26 FROM THE STATE GENERAL FUND IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN  
27 \$12,500,000 AND THE AMOUNT IN THE FUND.

28 ~~G.~~ H. For the purposes of this section, "licensed health care  
29 provider" means a person or institution that is licensed or certified by  
30 this state to provide health care services, medical services, nursing  
31 services, emergency medical services and ambulance services that are  
32 regulated pursuant to title 36, chapter 21.1, article 2 or other  
33 health-related services.