

REFERENCE TITLE: **minimum balance notification; victim fund**

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

HB 2132

Introduced by
Representative Kavanagh

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.