

REFERENCE TITLE: ACJC; victim compensation fund; allocation

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

HB 2143

Introduced by
Representatives Jermaine: Blackman, Blackwater-Nygren, Dalessandro,
DeGrazia, Hernandez M, Longdon, Pawlik, Powers Hannley, Quiñonez,
Schwiebert, Tsosie, Senators Bowie, Gabaldon, Gonzales, Steele

AN ACT

AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES; RELATING TO THE
ARIZONA CRIMINAL JUSTICE COMMISSION.

(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 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:

23 1. Persons who suffered personal injury or death that resulted from
24 an attempt to aid a public safety officer in the prevention of a crime or
25 the apprehension of a criminal may be eligible for compensation.

26 2. THE FOLLOWING COSTS ARE ELIGIBLE AND SHALL BE INCLUDED IN A
27 CLAIM FOR COMPENSATION:

28 (a) NATIVE AMERICAN CEREMONY OR BURIAL EXPENSES THAT ARE CONSIDERED
29 REASONABLE AND CUSTOMARY FUNERAL EXPENSES.

30 (b) MENTAL HEALTH COUNSELING AND CARE THAT ARE PROVIDED BY A PERSON
31 WHO IS AN EMPLOYEE OF OR CONTRACTED WITH A TRIBAL HEALTH CARE
32 ORGANIZATION, THE INDIAN HEALTH SERVICES, ANY VETERANS ADMINISTRATION
33 PROVIDER OR AN URBAN INDIAN HEALTH PROGRAM.

34 D. This state and the applicable operational unit or qualified
35 program, as defined in the victim compensation program rules, are
36 subrogated to the rights of an individual who receives monies from the
37 victim compensation and assistance fund to recover or receive monies or
38 benefits from a third party, to the extent of the amount of monies the
39 individual receives from the fund.

40 E. A licensed health care provider who agrees to the victim
41 compensation program rules may receive program monies for providing health
42 and medical services to a victim or claimant. A licensed health care
43 provider who accepts the full allowable payment for those services from a
44 victim compensation program funded pursuant to this section is deemed to
45 have accepted the payment as the full payment for those services. The

1 licensed health care provider may not collect or attempt to collect any
2 payment for the same health and medical services from the victim or
3 claimant, except that if a victim compensation program funded pursuant to
4 this section is unable to pay the full allowable payment to a licensed
5 health care provider because of a lack of available monies or for any
6 other reason, the licensed health care provider may collect the unpaid
7 balance for the services from the victim or claimant or from a third-party
8 payor, and the total amount billed or requested by the licensed health
9 care provider may not exceed the full allowable payment that the licensed
10 health care provider agreed to accept from the victim compensation program
11 for the services.

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

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