

REFERENCE TITLE: sexual assault victims; financial assistance

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2500

Introduced by
Representative Gress

AN ACT

AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;
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 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:

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

26 2. THAT A WOMAN WHO IS A VICTIM OF A SEXUAL OFFENSE AND WHO CARRIES
27 A RESULTING BABY TO TERM SHALL RECEIVE COMPENSATION FOR HEALTH CARE
28 EXPENSES AND ECONOMIC SUPPORT. THE COMPENSATION PROVIDED PURSUANT TO THIS
29 PARAGRAPH SHALL PAY FOR EXPENSES AND SUPPORT DURING THE PREGNANCY AND UP
30 UNTIL TWELVE MONTHS AFTER THE BABY IS BORN.

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

37 E. A licensed health care provider who agrees to the victim
38 compensation program rules may receive program monies for providing health
39 and medical services to a victim or claimant. A licensed health care
40 provider who accepts the full allowable payment for those services from a
41 victim compensation program funded pursuant to this section is deemed to
42 have accepted the payment as the full payment for those services. The
43 licensed health care provider may not collect or attempt to collect any
44 payment for the same health and medical services from the victim or
45 claimant, except that if a victim compensation program funded pursuant to

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

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

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

27 Sec. 2. Appropriation; victim compensation and assistance
28 fund

29 The sum of \$5,000,000 is appropriated from the state general fund in
30 fiscal year 2023-2024 to the victim compensation and assistance fund
31 established by section 41-2407, Arizona Revised Statutes, as amended by
32 this act.