

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 2. CRIME VICTIM ASSISTANCE PROGRAM

Section

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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 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 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. “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.

- 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 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 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 that:
 1. Provides services described in R10-4-204 to victims;
 2. Does not use Commission funds or federal funds to supplant funds otherwise available to the program for victim assistance;
 3. Uses volunteers effectively and efficiently to provide victim services;
 4. Promotes coordinated public and private efforts to assist victims within the community served;
 5. Assists a victim in seeking available victim compensation benefits; and
 6. Complies with all applicable civil rights laws.
- C.** 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 shall demonstrate to the Commission that the program:
 1. Has substantial financial support from a source other than the Fund; and
 2. Has a history of providing effective services to victims. The Commission shall determine whether the program's victim services are effective based on:
 - a. The length of time the program has provided victim services, 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.** 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, containing detailed expenditures of funds received from the Commission and matching funds;
 2. Submit an annual report to the Commission, on a form provided 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:
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:
 - a. Temporary shelter for a victim who cannot safely remain in current lodgings;
 - b. Petty cash for immediate needs related to transportation, food, shelter, and other necessities; and
 - c. Temporary repairs such as locks and windows damaged as a result of a crime to prevent the home or apartment from being re-burglarized immediately;
 3. Support services, including:
 - a. Counseling dealing with the effects of victimization;
 - b. Assistance dealing with other social services and criminal justice agencies;
 - c. Assistance in 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:
 - a. Direct services or petty cash that helps a victim participate in criminal justice proceedings, including transportation to court, child care, meals, and parking expenses; and

- b. Advocate services including 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:
 - 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 for salaried or volunteer staff of criminal justice, social services, mental health, or related agencies, who provide direct services to victims; and
 - 2. Printing and distributing brochures or similar announcements describing the direct services available, how to obtain program assistance, and volunteer opportunities.
- 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 prevention efforts, other than those aimed at providing specific emergency help after an individual is victimized;
 - 2. General public relations programs;
 - 3. Advocacy for a particular legislative or administrative reform;
 - 4. General criminal justice agency improvement;
 - 5. A program in which victims are not the primary beneficiaries;
 - 6. Management training or training for persons who do not provide direct services to a victim; or
 - 7. Victim Compensation provided under this Chapter.