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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Crime Victims Compensation  
Commission – Crimes and Offenses  
– Compensation – Misdemeanors

Any person who commits an act in Alabama of criminally injurious conduct constituting a felony or a misdemeanor, or such an act in another state punishable by fine, imprisonment, or death, after making application to the Alabama Crime Victims Compensation Commission, is ineligible for compensation.

Dear Dr. Jones:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

(1) Does section 15-23-23 of the Code of Alabama require that the Alabama Crime Victims' Compensation Commission ("Commission") deny compensation benefits to any applicant who has ever been convicted of a crime that meets the definition of "criminally injurious conduct" in section 15-23-3(2)?

(2) Does "criminally injurious conduct" include misdemeanors?

### FACTS AND ANALYSIS

The Alabama Crime Victims' Compensation Commission is a state agency established pursuant to section 15-23-1, *et seq.*, of the Code of Alabama. ALA. CODE 15-23-1 to 15-23-23 (1995 & Supp. 2009). This agency was created to provide victims of violent crimes and their dependants a means by which to receive compensation in the amount of actual expenses incurred as a direct result of criminal acts by others. ALA. CODE § 15-23-2 (1995).

In addressing the benefits available to those who apply to the Commission, section 15-23-23 states that “[a]ny person who shall *perpetrate any criminally injurious conduct* on the person of another or who shall be convicted of a felony *after making application to the Alabama Crime Victims Compensation Commission shall not be eligible or entitled to receive compensation* pursuant to any provision of this article.” ALA. CODE § 15-23-23 (1995) (emphasis added).

The Commission has promulgated rules pursuant to this statutory authority. Rule 262-X-4-.02(9) of the Commission's rules provides that, “[i]f the applicant, *after making application* for compensation to the Commission, *then perpetrates any criminally injurious conduct* or is convicted of a felony, the applicant shall be ineligible for compensation.” ALA. ADMIN CODE r. 262-X-4-.02(9) (2008) (emphasis added).

Language used in an administrative regulation should be given its natural, plain, ordinary, and commonly understood meaning, just as language in a statute. *State Pers. Bd. v. Wallace*, 682 So. 2d 1357 (Ala. Civ. App. 1996); *Ala. Medicaid Agency v. Beverly Enter.*, 521 So. 2d 1329 (Ala. Civ. App. 1987). The Commission's regulation, as well as the statute, uses the phrase “perpetrates any criminally injurious conduct.” “Perpetrate” means “to commit or carry out (an act, esp. a crime).” BLACK'S LAW DICTIONARY 1177 (8<sup>th</sup> ed. 2004). Additionally, section 15-23-3(2) defines “criminally injurious conduct” as “[a]n act.” ALA. CODE § 15-23-3(2)(a) & (b) (1995). Section 15-23-3(2) provides for in-state and out-of-state acts “for which punishment by fine, imprisonment or death may be imposed.” *Id.* Under Alabama law, felonies and misdemeanors are both punishable by imprisonment. ALA. CODE § 13A-5-6 (2006); ALA. CODE § 13A-5-7 (2006).

Rule 262-X-4-.02(9) is limited to acts of criminally injurious conduct. Section 15-23-23 and the rule use the term “convicted” only in reference to felonies. If the Legislature had intended for “convicted” to

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apply to criminally injurious conduct as well as felonies, it would have used the same word in relation to both. Therefore, Rule 262-X-4-.02(9) denies eligibility for in-state acts, committed after making application to the Commission, constituting a felony or a misdemeanor. It also denies eligibility for out-of-state acts, committed after making application to the Commission, if the law of the other state treats the acts as a felony or a misdemeanor punishable by fine, imprisonment, or death.

CONCLUSION

Any person who commits an act in Alabama of criminally injurious conduct constituting a felony or a misdemeanor, or such an act in another state punishable by fine, imprisonment, or death, after making application to the Alabama Crime Victims' Compensation Commission, is ineligible for compensation.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING  
Attorney General  
By:



BRENDA F. SMITH  
Chief, Opinions Division

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