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Sequence Number: 02-09-16  
 Rule ID(s): 6121  
 File Date: 2/8/16  
 Effective Date: 5/8/16

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Tennessee Treasury Department
<b>Division:</b>	Division of Claims Administration, Criminal Injuries Compensation
<b>Contact Person:</b>	Rodney Escobar, Director of the Division of Claims Administration
<b>Address:</b>	502 Deaderick Street; Andrew Jackson Building, 15 <sup>th</sup> Floor, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	615-741-9957
<b>Email:</b>	Rodney.Escobar@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0300-02	Criminal Injuries Compensation Program
Rule Number	Rule Title
0300-02-.07	Maximum Award Limit

Chapter 0300-02

Criminal Injuries Compensation Program

0300-02-.07 Maximum Award Limit.

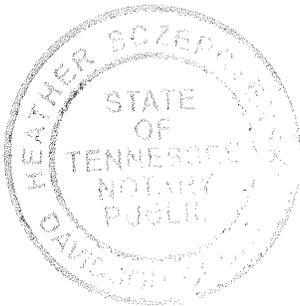
- (1) Purpose. The purpose of this rule is to adjust the maximum compensation award for a claim or claims filed pursuant to title 29, chapter 13, part 1.
- (2) Award Limit and Requirements. For a claim or claims filed with the division requesting compensation for a crime committed against a victim, the maximum compensation award shall not exceed thirty-one thousand nine hundred dollars (\$31,900.00). The maximum compensation award applies to the aggregate of all claims filed arising from a single crime against a victim. The maximum compensation award shall be effective on July 1, 2016, and shall apply to all claims filed for crimes occurring on or after such date.

Authority: T.C.A. § 29-13-106(h).

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Not applicable.					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 01/05/2016 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.



Date: January 5, 2016

Signature: [Handwritten Signature]

Name of Officer: David H. Lillard, Jr.

Title of Officer: State Treasurer

Subscribed and sworn to before me on: Jan. 5, 2016

Notary Public Signature: Heather Szczepanski

My commission expires on: March 10, 2019

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]  
Herbert H. Slatery III  
Attorney General and Reporter

2/5/2016  
Date

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Filed with the Department of State on: 2/8/16

Effective on: 5/8/16

[Handwritten Signature]  
Tre Hargett  
Secretary of State

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rulemaking process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Chapter 0300-02-.07 does not have a projected impact on local governments.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule is promulgated to comply with T.C.A. §29-13-106(h) by adjusting the award limit to at least 105% of the national average of the maximum compensation award provided by the fifty (50) states within the United States, the District of Columbia and the United States Virgin Islands. The current maximum amount of compensation awarded is thirty thousand dollars and set forth in T.C.A. §29-13-106(e); the proposed rule increases the award amount from thirty thousand dollars (\$30,000) to thirty-one thousand nine hundred dollars (\$31,900).

The rules do not effectuate any relevant changes in previous regulations.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §29-13-106(h) contains the Treasurer's rulemaking authority to promulgate a rule to adjust the maximum award.

No federal law or regulation mandates or establishes guidelines relevant to the promulgation of the rules.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The persons affected by this rule are claimants filing a claim with the Criminal Injuries Compensation Fund as provided for in T.C.A. §29-13-105.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Criminal Injuries Compensation Program is unaware of any Attorney General opinions or any judicial rulings that directly relate to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The program pays awards out of the Criminal Injuries Compensation program funded by a federal grant and fines, penalties, and fees paid by convicted individuals to state and federal courts. The increase of the maximum award limit is by one thousand, nine-hundred dollars and zero cents (\$1,900.00). For fiscal year 2015, ninety-one (91) claims were paid that met the cumulative maximum award amount of thirty thousand dollars (\$30,000.00) as set forth in T.C.A. §29-13-106(e). It is difficult to state with certainty the number of claims that will meet the cumulative maximum award amount contained in these proposed rules; however, using the number of claims filed in fiscal year 2015 to estimate future expenditures, it is estimated the increase in annual expenditures will be one hundred seventy-two thousand nine hundred dollars (\$172,900.00).

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rodney Escobar; Director of Claims Administration; Andrew Jackson Building, 15th Floor; 502 Deaderick Street; Nashville, Tennessee 37243 and Lisa Marie Woods; Assistant General Counsel; Andrew Jackson Building, 13<sup>th</sup> Floor; 502 Deaderick Street; Nashville, Tennessee 37243

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rodney Escobar; Director of Claims Administration; Andrew Jackson Building, 15th Floor; 502 Deaderick Street; Nashville, Tennessee 37243 and Lisa Marie Woods; Assistant General Counsel; Andrew Jackson Building, 13<sup>th</sup> Floor; 502 Deaderick Street; Nashville, Tennessee 37243

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Rodney Escobar; Director of Claims Administration; Andrew Jackson Building, 15th Floor; 502 Deaderick Street; Nashville, Tennessee 37243 and Lisa Marie Woods; Assistant General Counsel; Andrew Jackson Building, 13<sup>th</sup> Floor; 502 Deaderick Street; Nashville, Tennessee 37243

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Additional information requested by the committee will be provided upon request.