

CRIMINAL JUSTICE COORDINATING COUNCIL ADMINISTRATIVE RULES

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CHAPTER 144-1
THE CRIMINAL JUSTICE COORDINATING COUNCIL

144-1-.01 The Criminal Justice Coordinating Council.

The General Assembly created the Criminal Justice Coordinating Council to provide the necessary leadership to coordinate the major components of the criminal justice system by establishing a state-wide coordinating body which represents all components and all levels of the criminal justice system, to administer grants and aid to state and local criminal justice entities, and for other purposes.

Authority: Ga. L. 1981, p. 1306 (O.C.G.A. § 35-6A-1).

144-1-.02 Administrative Assignment.

(1) The Criminal Justice Coordinating Council is assigned to the Georgia Bureau of Investigation for administrative purposes only. The Council has authority to:

1. Exercise its quasi-judicial, rule-making or policy-making functions independently of the Georgia Bureau of Investigation;
2. Prepare its budget and submit its budgetary requests through the Georgia Bureau of Investigation; and
3. Employ its own personnel as authorized or funds are appropriated.

(2) The Council shall adopt bylaws and rules of order consistent with its authorizing legislation for the conduct of meetings and business.

CHAPTER 144-2

DEFINITIONS

144-2-.01 Definitions.

Unless the context requires otherwise, the following words and terms have the following meaning:

- (a) The "Act" means the "Criminal Justice Coordinating Council Act," Ga. L. 1981, pp. 1306-1311 (O.C.G.A. Section 35-6A, as amended).
- (b) "Agency" means the Criminal Justice Coordinating Council and its staff as created by the Act.
- (c) "Council" means the voting membership of the Criminal Justice Coordinating Council as created by the Act.
- (d) "Component" means any of the four traditional functions or main constituent parts of the criminal justice system as follows:
 - 1. "Law enforcement component" means that component whose primary duties involve the preservation of public order; the protection of life, health, safety and property; and the prevention, detection and investigation of crime.
 - 2. "Courts component" means that component whose primary duties involve the application of the laws to controversies brought before the court, the disposition of legal actions, criminal prosecution and the general public administration of justice.
 - 3. "Corrections component" means that component whose primary duties involve the maintenance in a secure environment of those offenders sentenced to confinement, and the discipline, treatment and rehabilitation of offenders through such confinement, parole, probation, counseling or other constitutional means.
 - 4. "Juvenile justice component" means that component whose primary duties involve the application of the laws to controversies brought before the juvenile court and the maintenance of juvenile treatment and rehabilitation programs for those persons adjudicated under the provisions of juvenile laws.
- (e) "Criminal justice system" means the network of governmental and non-governmental entities whose functions involve the preservation of public order; the protection of life and property; the prevention, detection, investigation and prosecution of crime; the interpretation, application and adjudication of the law in the administration of justice; the disposition of legal actions; and the discipline, treatment and rehabilitation of offenders through confinement, in both the adult and juvenile jurisdictions.
- (f) "Director" means the Director of the Criminal Justice Coordinating Council.
- (g) "Emergency" means a sudden or unexpected occasion for action of pressing necessity; an unforeseen combination of circumstances that calls for immediate action.
- (h) "State administering agency" means a state office designated to administer federal assistance programs.
- (i) "Sub-grantee" means the government or other legal entity to which a sub-grant is awarded and which is accountable to the grantee for the use of the funds provided.

Chapter 144-3
ADMINISTRATION

144-3-.01 Organization.

The Director shall administer all rules and regulations of the Georgia Criminal Justice Coordinating Council, whose address is 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743.

(1) **Council Membership.** The Council is composed of twenty-four voting members, fourteen of whom serve in an ex-officio capacity by virtue of the position held by each, and ten of whom are to be appointed by the Governor.

(2) **Council Officers.** The Council shall elect from its membership a Chairperson and a Vice Chairperson.

(a) Chairperson. The powers and duties of the Chairperson are as follows:

1. Preside at all meetings of the Council and conduct such meetings in an orderly and impartial manner so as to permit a free and full discussion;
2. Have the same voting rights as any regular member;
3. Establish and appoint committees, task forces or working groups as may be required in the bylaws or as deemed necessary by him, her, or the Council;
4. Designate special advisory members who are not voting members of the Council for the purpose of providing information for the use of the Council;
5. Serve as an ex-officio member of all committees, task forces and working groups;
6. Authenticate by his or her signature all official actions and/or resolutions adopted by the Council;
7. On behalf of the Council, advise the Governor and the General Assembly of the status of the Council's efforts and endeavors;
8. Convene public hearings upon at least ten business days' notice in order to establish a record of public comment. The presence of a majority of members will not be required to conduct public hearings; and
9. Perform such other duties as the Governor, the General Assembly, or the Council may delegate to him or her.

(b) Vice Chairperson. The powers and duties of the Vice Chairperson are as follows:

1. Perform all duties of the Chairperson in the absence of the Chairperson, or in the event of the inability of the Chairperson to act;
2. Have the same voting rights as any regular member; and
3. Perform such other duties as the Governor, the General Assembly, the Chairperson or the Council may delegate to him or her.

(3) **Executive Committee.** The Council shall have an Executive Committee.

(a) Executive Committee Membership. The Executive Committee shall be composed of the Chairperson, the Vice Chairperson, the Immediate Past Chairperson and committee chairpersons.

(b) Powers and Duties. In the event of an emergency which would preclude sufficient time or opportunity to call and conduct a full Council meeting, the Executive Committee is authorized to act on behalf of the full Council membership. Any such action by the Executive Committee will be subject to the review of the full membership of the Council at the Council's next regularly scheduled meeting.

CHAPTER 144-4 FUNCTIONS AND POWERS

144-4-.01 Functions and Powers.

The Council's functions and powers are as provided by law.

144-4-.02 Grant Administration; Generally.

(1) **Fair and Open Grants Act.** The provisions of the Fair and Open Grants Act of 1993 (O.C.G.A. §§28-5-120 thru 127) govern the award of grants by the Council.

(2) **Code of Ethics and Conflict of Interest.**

(a) Members of the Council shall adhere to the code of ethics for board members established in O.C.G.A. § 45-10-3 which are enforced as provided in O.C.G.A. § 45-10-4.

(b) No member of the Council, who is associated with a grant applicant as an employee or member of the applicant's governing body, is eligible to vote in the recommendation process. Members should also disclose any other beneficial relationship with a grantee or program which could be affected by the vote. Such a relationship may give rise to a conflict of interest. A member of the Council associated with a grant applicant shall notify the chairperson of the committee or Chairperson of the Council of the potential conflict and the appropriate chairperson shall determine whether or not the member should be excused from voting on the specific grantee's application.

(c) Failure of a member to disclose a conflict of interest under subparagraph (b) will result in the nullification of the vote on the particular grantee's application and may be considered a breach of the code of ethics.

(3) **Requests for Grant Assistance.** Any request for the Council to support a grant application or act in the capacity of State Administering Agency in submitting a grant application will require twenty business days' advance notice for Council review and recommendation to the Governor.

144-4-.03 Federal Grant Administration.

The Council is designated by Executive Order of the Governor as the State Administering Agency for federal grant programs. The Council, in its discretion, may delegate any portion of its review duties to a committee of the Council. The following procedures are implemented by the Council in administering federal grant programs under its purview.

(1) **Application.** The agency shall prepare and submit any application according to prescribed federal guidelines and with the approval and signature of the Director.

(2) **Preliminary Allocation Plan.** Upon award of federal grant funding, the agency shall recommend to the Council a preliminary allocation plan that incorporates appropriate circumstances and priorities. The Council shall consider the recommendation and approve an allocation plan which will determine the guidelines for a request for proposal (RFP).

(3) **Request for Proposal.** A request for proposal consistent with the prescribed grant guidelines will detail the grant program, application deadline, eligibility, priorities, procedures for sub-grant application and review process. The agency shall, at a minimum, post notice of the availability of funds and the RFP on its website.

(4) **Agency Review and Recommendations.** Once the application deadline has passed, each application will be reviewed for completeness, verification of the proposed budget, assurance of project conformance with grant program guidelines and the preliminary allocation plan and confirmation of signatures of authorized officials. The agency shall provide the Council with funding recommendations and supporting documentation.

(5) **Council Review and Recommendations.** The agency recommendations will be furnished to the Council members at least five business days prior to a meeting at which a vote to award grant funds occurs. The Council may question and discuss any sub-grant application, program or agency recommendation. A vote will be taken on each application individually unless the Council determines that a vote on all recommendations at once or by group is appropriate. A majority of those present will determine the recommendation.

(6) **Appeals.** Any applicant denied an award may appeal the Council's recommendation by submitting further explanation of its proposal to the Director within ten business days of receipt of notice of the denial. The Council shall review appeals within thirty business days of the appeal deadline, considering any agency recommendation and exigent circumstances, and refer its determinations to the Director for further action.

(7) **Governor's Approval.** The Director will forward the sub-grant awards recommended by the Council to the Governor for review and approval.

(8) **Notice of Award.** Following the Governor's approval, the agency shall produce and forward to each sub-grantee an award package that includes required forms, instruction documents and other materials necessary to the grant process.

144-4-.04 Post-award Administration.

(1) **Grant Monitoring.** The agency shall monitor sub-grant programs through financial monitoring of initial and adjusted budgets and review of requests for expenditure; evaluation of compliance with administrative, financial and programmatic guidelines by utilizing desk reviews and on-site audits; and evaluation of program performance in achievement of benchmarks.

(2) **Reporting.** The agency is responsible for reporting data and information required as a condition of accepting a federal grant award. These reports may include quarterly financial reports of expenditures, cash match funds and program income; individual progress reports that compile sub-grantee program activities; programmatic reports detailing the use of funds during a particular time period and statistical and summary reports of program performance. A sub-grantee that does not meet reporting requirements may be subject to a reduction in funding.

144-4-.05 Certification of Crime Victim Assistance Programs.

The Council promulgates these rules and certifies crime victim assistance programs under the authority granted by O.C.G.A. Title 15 Chapter 21 Article 8.

(1) **Definitions.** For purposes of approving or certifying crime victim assistance programs, the following terms and phrases contained in O.C.G.A. §15-21-130 *et seq.* are defined:

- (a) "Certified crime victim assistance program" refers to any governmental or non-governmental program which has met the criteria established by the Council.
- (b) "County" or "county governing body" refers to a county commission.

- (c) "Court officer" refers to a person charged with the duty of collecting moneys arising from criminal fines ordered by a court and will generally be the clerk of the court.
- (d) "Court" refers to a superior, state, probate, magistrate, municipal or other court that assesses or collects crime-based fines pursuant to Georgia law.
- (e) "Crime" refers to any criminal offense defined by Title 16 of the Official Code of Georgia Annotated or any other applicable Code Section.
- (f) "Eligible applicant" refers to any governmental entity or other organization that meets all applicable criteria set forth by the Council based on the eligibility requirements for subrecipient programs contained in the federal Victims of Crime Act of 1984 and the victim assistance rules promulgated by the Office for Victims of Crime, U.S. Department of Justice.
- (g) "Fine" refers to any criminal fine or criminal bond forfeiture ordered by a court.
- (h) "Victim" refers to any person against whom a crime has been perpetrated.
- (i) "Victim assistance program" refers to any eligible governmental entity or other organization that coordinates and provides direct services to victims of crime. Victim assistance includes, but is not limited to, the following services: crisis intervention, emergency shelter, emergency transportation, counseling and criminal justice advocacy.

(2) Application for and Evaluation of Program Certification.

- (a) The Council will conduct certification of programs on a biannual basis, in even-numbered years.
- (b) Application guidelines and forms will be available from the Council upon request.
- (c) Any victim assistance program seeking certification to receive funds authorized under O.C.G.A. § 15-21-131 must submit a completed application with supporting documentation to the Council for consideration.
- (d) No program will be certified that does not show proof that it:
 - 1. Assists victims with applying for compensation from the Crime Victims Emergency Fund;
 - 2. Coordinates services with any governmental entity and other organizations providing fundamental victim services within the county it is located or serves;
 - 3. Has on staff a graduate of the Georgia Victim Assistance Academy, the National Victim Assistance Academy (either by attendance or completion of Victim Assistance Training Online) or other program that certifies persons providing assistance to victims. Proof that a staff member is scheduled to attend a certifying program may allow provisional certification of the program. Having on staff a licensed professional in social work, psychology or related field may also satisfy this requirement; and
 - 4. Provides or will provide services to victims of crime. These services are categorized by the federal government and by the Council as follows:
 - a. Crisis counseling
 - b. Follow-up
 - c. Therapy
 - d. Group treatment/Support
 - e. Shelter/Safehouse
 - f. Information/Referral (In-person)
 - g. Criminal justice support/Advocacy
 - h. Emergency financial assistance
 - i. Emergency legal advocacy
 - j. Assistance in filing compensation claims
 - k. Personal advocacy
 - l. Telephone contact information/Referral
 - m. Other

(e) Upon receipt of a completed application, the agency has twenty business days to review the application and forward to the applicant correspondence from the Director either certifying its program as meeting all criteria set forth by the Council or denying its certification request.

(f) If a program is denied approval it may, within ten business days of receipt of any rejection letter, appeal in writing to the Council which may review the appeal at its next regularly scheduled meeting, conduct a hearing to determine whether the appeal has any merit and either affirm, overturn or modify the initial decision.

(3) Decertification. A program may be decertified if found to:

- (a) Be delinquent in meeting the reporting requirements;
- (b) Have used funds for activities other than providing direct services to victims;
- (c) No longer meet the minimum criteria as set forth in 144-4-.01(d)3;
- (d) Have failed to comply with these administrative rules; or
- (e) No longer provide services as outlined in the original application.

(4) Distribution and Reporting.

(a) County administration.

- 1. If there is more than one certified victim assistance program within a county, the county must decide what percentage of the total funds will be given to each.
- 2. By law, a county may reserve up to five percent of the funds received in the previous year as a contingency fund to sustain crime victim assistance programs. This reserve fund is not cumulative and reserve funds do not roll over into subsequent years.
- 3. Each county must submit to the Council a financial report detailing the recipients of the funding and the amounts disbursed to each recipient. If the county does not have a certified program and the funds have been disbursed directly to the district attorney, then the county must so notify the agency. Such reports are due January 31 and July 31 for the reporting periods ending December 31 and June 30, respectively.

(b) Certified victim assistance program reporting.

All certified victim assistance programs that receive funding from this source must report annually to the Agency the amount of funds received, the number of victims served, the number of services provided to victims and such information as the agency deems necessary to include in an annual report. A report is due whether or not funds were received from the county in which the program is certified. Such reports will be for the reporting period of January 1 through December 31 and due no later than February 15 of the year following the reporting period. Failure to report may result in decertification of the program. The Council shall make available forms for reporting upon request and on its website.

144-4-.06 Crime Victims Compensation Board.

In accordance with O.C.G.A. §17-15-1 et seq., the Council acts as the Crime Victims Compensation Board to administer the Crime Victims Emergency Fund. These Rules prescribe policies and procedures in addition to those set forth in O.C.G.A. § 17-15-1, et seq.

(1) Definitions.

- (a) "Crime scene sanitization" means the removal or attempted removal of blood, dirt, stains or debris which requires hauling and dumping from the crime scene and may include the reasonable out-of-pocket cost of cleaning supplies, equipment rental and labor purchased as a direct result of the crime or investigation of the crime scene.

- (b) "Claimant" means a victim or other person who has incurred expenses that may be reimbursed by the Crime Victims Compensation Board.
- (c) "Financial hardship" means loss of wages and/or medical expenses incurred as a result of the victimization.
- (d) "Victim" does not include anyone actively engaged in criminal conduct at the time of the injury.

(2) **Members of the Board; Terms; Chairperson.** The Director shall appoint at least five members of the Council to serve as the Crime Victims Compensation Board. The members must include a law enforcement officer, a member of the State Bar of Georgia and an individual who shall be, by virtue of training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs. The Director shall designate one member of the Board as Chairperson.

(3) **Applications.**

- (a) Claimants shall submit a completed, original application to initiate a compensation claim. The Board shall make available the application forms and any additional forms necessary for the processing of claims.
- (b) The submission of a completed application to the agency will be deemed proper filing with the Board. The agency shall assist claimants with incomplete applications as necessary to assure their completeness.
- (c) The Director may extend the one year filing deadline for an application for up to three years from the date of victimization for minor victims of sexual abuse and child abuse.
- (d) The Director may extend the one year filing deadline for an application by the amount of time a victim is a hospital inpatient or incapacitated, but in no event beyond three years from the date of the victimization.

(4) **Eligibility; Loss of Support.**

- (a) With the exception of those acts enumerated in O.C.G.A. §17-15-2(3)(ii-iii), a crime must have been committed in Georgia to qualify for compensation.
- (b) The Board may award compensation for loss of support to a claimant who can establish a financial dependency at the time of the incident upon the income of the victim's assailant or offender, but which as a result of the assailant/offender's incarceration, is no longer available to or accessible by the victim.
- (c) In computing loss of support, the Board may only consider the offender's earnings and/or the amount of money or economic assistance contributed to the victim and victim's household at the time of the injury.
- (d) Where the victim has received or is receiving a greater share of support contributed by sources other than the offender at the time of the incident, no compensation for loss of support may be awarded.
- (e) Where a claimant has been awarded compensation and subsequently seeks compensation for a separate incident, the claimant may be asked to appear before the Board to explain the subsequent claim. In consultation with the Board, the Director shall determine whether the claimant may be rendered additional compensation based upon the separate incident.
- (f) The Board may award compensation to the victim for reasonable and necessary costs of crime scene sanitation which were the financial responsibility of the victim or claimant and for which reimbursement from other sources is not available.
- (g) Compensable counseling services are those services rendered by professionals duly licensed or certified by the appropriate state authorities. Compensation will not be provided for counseling benefits without a completed treatment plan. To the extent that funds within the counseling

allowance are available, parents or guardians of a minor victim, children of an adult victim or members of a victim's immediate family may receive compensation for counseling services.

(5) **Exhaustion of Resources.** No award will be made until the claimant has exhausted all other public and private resources available to him or her (i.e. insurance, employee benefits, worker's compensation, other state government assistance, Medicaid/Medicare, etc.).

(6) **Review of Claims and Verification.** The agency shall review each claim for the required findings and shall render an agency decision as to eligibility and award amount based on the factors set forth in O.C.G. A. § 17-15-8.

(7) **Disposition: Approval or Denial.** The agency shall furnish a claimant with a copy of the approval or denial of a claim. Claimant may thereupon submit additional information. If the agency determines good cause is shown by the claimant, the agency may withdraw the decision for reconsideration.

(8) **Review by Board.** A claimant may submit a written request to the Board to request review of the disposition of the claim. On its own motion, the Board may designate a hearing officer to review a claim and make a written recommendation to the Board prior to a hearing. A hearing will be set on the Board calendar and the claimant must be notified of the date and time.

Hearings will be conducted in an informal manner to encourage claimants to plead their own claims. If a claimant chooses to be represented by an attorney, the claimant shall be responsible for the payment of attorney's fees. Compensation will not be awarded to pay attorney's fees.

The Board shall render its decision at the conclusion of the hearing. The Board may uphold or reject the agency determination or remand the decision for additional findings or investigation.

144-4-.07 Unclaimed Victim Restitution.

Court-ordered restitution that has not been claimed from the collecting authority within two years of the first restitution payment is transferred to the agency for deposit into the Crime Victims Emergency Fund.

Entities that collect restitution must submit a victims' report on a periodic basis, including any restitution amount submitted to the agency for transfer to the Crime Victims Emergency Fund. For each restitution amount, this report must contain, at a minimum: the victim's name, last known address, the date(s) that funds were first available and the case docket number. When there is no restitution amount reported, the report should indicate that there are no restitution transactions for the period.

Under agreement with the Board, the Georgia Department of Revenue processes inquiries for unclaimed restitution through its unclaimed property unit. Once the Department of Revenue has verified to the agency that a claimant is entitled to unclaimed restitution, the agency will issue payment to the claimant.

CHAPTER 144-5
NOTICE OF GRANTS ADMINISTERED BY COUNCIL

144-5-.01 Anti-Gang Initiative.

CFDA # 16.744.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement Project Safe Neighborhoods, including the Anti-Gang Initiative authorized by Federal Public Law 110-5, embedded secs. 101-104; Pub. L. 109-108, 119 Stat. 2290, 2302.

The Anti-Gang Initiative of Project Safe Neighborhoods is intended to enhance Project Safe Neighborhoods task force efforts to combat gangs. In accordance with federal law, awards may be granted to state agencies, units of local government and nonprofit organizations for the purposes of:

1. Enforcing state and local laws which establish offenses similar to crimes enumerated in the Federal Controlled Substances Act (21 U.S.C. 801 *et seq.*);
2. Improving the functioning of the criminal justice system; and
3. Emphasizing violent crime and serious offenders.

These three purposes are by no means mutually exclusive. They are in fact mutually supportive and integral to the State of Georgia's ability to address effectively and comprehensively its drug and violent crime problem in any realistic way.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711 *et seq.*, as amended;
2. Office of Justice Programs Financial and Administrative Guide, M7100.1;
3. Any other policy guidance which may be issued by the Bureau of Justice Assistance in the future;
4. Council Program Announcement and Request for Proposals; and
5. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, email: grants.info@cicc.ga.gov.

144-5-.02 Community Prosecution and Project Safe Neighborhoods.

CFDA # 16.609.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement Project Safe Neighborhoods, including the Anti-Gang Initiative authorized by Federal Public Law 110-5, embedded secs. 101-104; Pub. L. 109-108, 119 Stat. 2290, 2302.

Project Safe Neighborhoods (PSN) is a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun and gun crime and providing these programs with additional tools necessary to be successful. In accordance with federal law, awards may be granted to state agencies and units of local government for the purposes of:

1. Enforcing state and local laws which establish offenses similar to crimes enumerated in the Federal Controlled Substances Act (21 U.S.C. 801 *et seq.*);
2. Improving the functioning of the criminal justice system; and
3. Emphasizing violent crime and serious offenders.

These three purposes are by no means mutually exclusive. They are in fact mutually supportive and integral to the State of Georgia's ability to address effectively and comprehensively its drug and violent crime problem in any realistic way.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711 *et seq.*, as amended;
2. Office of Justice Programs Financial and Administrative Guide, M7100.1;
3. Any other policy guidance which may be issued by the Bureau of Justice Assistance in the future;
4. Council Program Announcement and Request for Proposals; and
5. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.03 Crime Victim Assistance.

CFDA # 16.575. Recovery Act CFDA # 16.801.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement the Victims of Crime Act (VOCA) Victim Assistance Grant Program. In 1984, VOCA established the Crime Victims Fund in the U.S. Treasury and authorized the Fund to receive deposits from fines and penalties levied on criminals convicted of federal offenses. The Fund is the source of funding for carrying out all the activities mandated by VOCA.

The purpose of this grant program is to assist states in providing high quality services that directly improve the health and well being of innocent crime victims, and to improve and enhance the delivery of these services specifically to victims of domestic violence, child abuse, sexual assault, and previously underserved victims of crimes. Applicants eligible for consideration under this program are public agencies and private non-profit organizations, or a combination thereof.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. The Victims of Crime Act of 1984 as amended by the Children's Justice Act of 1986 and the Anti-Drug Abuse Act of 1988;
2. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime Application Kit and Instructions;
3. Office of Justice Programs Financial and Administrative Guide, M7100.1;
4. Any other policy guidance which may be issued by the Office for Victims of Crime;
5. Council Program Announcement and Request for Proposals; and
6. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.04 Crime Victim Compensation.

CFDA # 16.576. Recovery Act CFDA # 16.802.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement the Victims of Crime Act (VOCA) Victim Compensation Grant Program. In 1984, VOCA established the Crime Victims Fund in the U.S. Treasury and authorized the Fund to receive deposits from fines and penalties levied on criminals convicted of federal offenses. This Fund provides the source of funding for carrying out all the activities mandated by VOCA.

The purpose of this grant program is to provide federal financial assistance to states for the purposes of compensating and assisting crime victims, funding training and technical assistance, and serving victims of federal crimes.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. The Victims of Crime Act of 1984 as amended by the Children's Justice Act of 1986 and the Anti-Drug Abuse Act of 1988;
2. U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime Application Kit and Instructions;
3. Office of Justice Programs Financial and Administrative Guide, M7100.1;
4. Any other policy guidance which may be issued by the Office for Victims of Crime; and
5. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.05 Edward Byrne Memorial Justice Assistance Grant Program.

CFDA # 16.738. Recovery Act CFDA # 16.803.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement the Edward Byrne Memorial JAG Program authorized by Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended.

The purpose of this grant program is to assist states and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on nationwide and multijurisdictional projects and projects that advance national drug control priorities. In accordance with federal law, states may award formula grant funds to state agencies and units of local government for the purposes of:

1. Enforcing state and local laws which establish offenses similar to crimes enumerated in the Federal Controlled Substances Act (21 U.S.C. 801 *et seq.*);
2. Improving the functioning of the criminal justice system; and
3. Emphasizing violent crime and serious offenders.

These three purposes are by no means mutually exclusive. They are in fact mutually supportive and integral to the State of Georgia's ability to address effectively and comprehensively its drug and violent crime problem in any realistic way.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711 *et seq.*, as amended;
2. Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109-162, January 5, 2006;
3. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial State and Local Law Enforcement Assistance Program Guidance and Application Kit;
4. Office of Justice Programs Financial and Administrative Guide, M7100.1;
5. Any other policy guidance which may be issued by the Bureau of Justice Assistance in the future;
6. Council Program Announcement and Request for Proposals; and
7. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.06 Paul Coverdell Forensic Sciences Improvement Grant Program.

CFDA # 16.742.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement the Paul Coverdell Forensic Sciences Improvement Grant Program authorized by Public Law Number 106-561 (12/21/2000), as amended.

The Paul Coverdell Forensic Sciences Improvement Grant Program (the Coverdell program) awards grants to states and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. In accordance with federal law, states may award formula grant funds to state agencies and units of local government:

1. To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the state, including those services provided by laboratories operated by the state and those operated by units of local government within the state.
2. To eliminate a backlog in the analysis of forensic science evidence, including, among other things, a backlog with respect to firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questioned documents and trace evidence.
3. To train, assist and employ forensic laboratory personnel as needed to eliminate such a backlog.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711 *et seq.*, as amended;
2. Office of Justice Programs Financial and Administrative Guide, M7100.1;
3. Any other policy guidance which may be issued by the National Institute of Justice in the future;
4. Council Program Announcement and Request for Proposals; and
5. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.07 Residential Substance Abuse Treatment for State Prisoners.

CFDA # 16.593.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement the Residential Substance Abuse Treatment for State Prisoners Grant Program authorized by the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 13701, *et seq.*

The purpose of this program is to assist states and units of local government develop and implement residential substance abuse treatment programs within state and local correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment. Applicants are required to incorporate model program guidelines issued by the Office of Justice Programs, Corrections Program Office, in their applications.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 13701, *et seq.*;
2. U.S. Department Of Justice, Corrections Program Office Residential Substance Abuse Treatment for State Prisoners Program Guidance and Application Kit;
3. Office of Justice Programs Financial Guide, April 1996 Edition, and subsequent amendments;
4. Any future applicable policy guidance issued by the U.S. Department of Justice, Office of Justice Programs, Corrections Program Office;
5. Council Program Announcement and Request for Proposals;
6. Council Administrative and Financial Compliance Guidelines; and
7. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding applications for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.06 Sexual Assault Services Program.**CFDA # 16.017**

The Sexual Assault Services Program was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), 42 U.S.C. §14043g, and is solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault.

The purpose of the program is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), 42 U.S.C. §14043g and § 14045a;
2. Office of Justice Programs Financial and Administrative Guide, M7100.1;
3. Any other policy guidance which may be issued by the Office of Violence Against Women;
4. Council Program Announcement and Request For Proposals; and
5. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.09 Violence Against Women Formula Grants.

CFDA # 16.588.

This information is submitted by the Criminal Justice Coordinating Council, to further establish program policy and administrative guidance consistent with federal guidelines in order to implement the Violence Against Women Grants program authorized by Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No 103-322, 108 Stat. 1796 (Sept. 12, 1994) (as amended by the Victims of Trafficking and Violence Prevention Act of 2000 and the Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109-162, January 5, 2006).

The purpose of this program is to make grants for use by states, Indian tribal governments, units of local governments and nonprofit, nongovernmental victim services programs for the purpose of developing and strengthening effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

This information should be used in conjunction with the following which are hereby incorporated by reference:

1. Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (Sept. 12, 1994) (as amended by the Victims of Trafficking and Violence Prevention Act of 2000), as amended;
2. U.S. Department of Justice, Office of Justice Programs, Violence Against Women Program Office Guidelines;
3. Office of Justice Programs Financial and Administrative Guide, M7100.1;
4. Any other applicable policy guidance which may be issued by the U.S. Department of Justice, Office of Justice Programs in the future;
5. Council Program Announcement and Request for Proposals;
6. Council Administrative and Financial Compliance Guidelines; and
7. Any other policy guidance which has been or may be issued by the Council.

These documents and further information regarding making application for these funds may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, N.W., Suite 440, Atlanta, Georgia 30303-2743, (404) 657-1956, Fax (404) 657-1957, Email: grants.info@cjcc.ga.gov.

144-5-.10 State Grant Programs.

This rule supports the implementation of State Grant Programs as may be authorized and appropriated by the Georgia General Assembly.

The specific criteria for eligibility and distribution of funds shall be detailed in the grant solicitation or request for proposals issued by the Criminal Justice Coordinating Council. The solicitation or request for proposals may be obtained by contacting the Criminal Justice Coordinating Council, 104 Marietta Street, NW, Suite 440, Atlanta, Georgia 30303; (404)657-1956; FAX (404)657-1957; or by visiting the Council's website at <http://cjcc.ga.gov>.

CHAPTER 144-6
ADOPTION OF RULES

144-6-.01 Adoption of Rules

(1) **Right of Petition Established.** Any interested person may petition the Council requesting the promulgation of a rule or the amendment or repeal of a rule already in force, as contemplated in the Georgia Administrative Procedure Act. (O.C.G.A. § 50-13-1.)

(2) **Form of Petition.** Each such petition should be filed with the Council in writing and state:

1. The name and address of the petitioner;
2. The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;
3. A paragraphed statement of the reasons such rule should be amended, repealed or promulgated, including a statement of all pertinent and existing facts as to the petitioner's interest in the matter;
4. Citations of legal authorities, if any, which authorize, support or require the action requested by the petitioner. The petition must be verified under oath, by or in proper behalf of the petitioner.

(3) **Proceeding on Petition.** Upon receipt of the petition, the Chairperson or Director of the Council shall give the petition due consideration and present it to the Council for determination. Within sixty days after receipt of a petition, the Council shall inform the petitioner by mail of the decision reached, and may either decline to take the action requested, stating its reasons for so declining, or initiate rulemaking in accordance with the Georgia Administrative Procedure Act (O.C.G.A. § 50-13-1).