

This rule was filed as 10 NMAC 40.3.

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 40 CRIME VICTIMS
PART 3 FEDERAL GRANT PROGRAMS

10.40.3.1 ISSUING AGENCY: Crime Victims Reparation Commission.
[4/30/97; Recompiled 11/30/01]

10.40.3.2 SCOPE: Provisions of Part 3 of Chapter 40 [now 10.40.3 NMAC] provide for the administering of the federal grant programs.
[4/30/97; Recompiled 11/30/01]

10.40.3.3 STATUTORY AUTHORITY: Victims of Crime Act, 44 U.S.C. 10601, et seq.
[4/30/97; Recompiled 11/30/01]

10.40.3.4 DURATION: Permanent.
[4/30/97; Recompiled 11/30/01]

10.40.3.5 EFFECTIVE DATE: March 14, 1998, unless a different date is cited at the end of a section or paragraph.
[4/30/97, 3/14/98; Recompiled 11/30/01]
[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

10.40.3.6 OBJECTIVE: The objective of Part 3 of Chapter 40 [now 10.40.3 NMAC] is to provide guidance in the grant process for the federal grants.
[4/30/97; Recompiled 11/30/01]

10.40.3.7 DEFINITIONS: [RESERVED]

10.40.3.8 VICTIMS OF CRIME ACT (VOCA) ASSISTANCE GRANT:

A. The New Mexico crime victims reparation commission applies for and receives a Victims Of Crime Act (VOCA) grant each year. These funds are to be sub granted to public and non-profit agencies which provide a direct service to victims of crime. The New Mexico crime victims reparation commission shall publish a notice of grant availability in a newspaper of general circulation in the state of New Mexico. This notice shall contain the following:

- (1) the amount of the award;
- (2) the purpose of the award;
- (3) general eligibility requirements;
- (4) application deadline; and
- (5) where additional information may be obtained.
- (6) The VOCA grant provides for administrative cost to the CVRC. These funds may be used to pay salary, equipment, travel or other operating expenses. The grant also provides for funds to be used for training purposes.

B. The commission shall utilize a review committee to evaluate the proposals. The review committee shall be appointed by the commission board. The VOCA program grant manager shall facilitate the review committee meetings. The review committee will then submit recommendations to the commission board. The board then makes preliminary approval of awards.

C. Victim assistance sub-recipient applicants dissatisfied with the preliminary award decision of the commission board may request an appeal before the commission board. The appeal process is as follows:

- (1) A request for an appeal must be made within ten days of preliminary notification of grant awards and/or denials.
- (2) This request for an appeal must be made in writing and shall be submitted to the director of the crime victims reparation commission.

(3) The director shall notify the chairman of the appeal request and a hearing will be held at the next scheduled commission board meeting. The chairman may call a special meeting at his discretion.

(4) At such hearings the interested party may state their concerns or comments to the commission board.

(5) Within ten days after the hearing, the commission board shall make a determination as to the appeal and the director will notify the applicant as to the outcome.

D. Upon completion of the appeal process the commission board shall approve final awards. The director shall send a contract to all successful applicants. The applicants shall sign the contract. A revised budget reflecting the approved amount shall be returned to the director with the signed contract.

E. All victim assistance subgrant final award contracts must be signed by the chairman of the commission board and the director.

F. A monthly financial report must be presented to the commission board at its regular meetings. The report shall include the following:

- (1) draw-downs from the United States treasury;
- (2) disbursements of funds to subgrantees;
- (3) notice indicating submission of federal reports.

G. Funds which cannot be spent in the grant period by subgrantees may be redistributed at the discretion of the director of the agency. Redistributed funds will only go to a subgrantee based on a subgrantee's need for additional funds and their ability to properly obligate or spend the additional money within the allowable time restrictions.

H. All subgrantees shall submit a timely, complete and accurate quarterly financial report. Additional cash advances or reimbursements shall not be processed or authorized if the subgrantee fails to submit these reports.

I. Suspension or termination of funding to a subgrantee may be initiated by the director but must, at the next regular commission board meeting, be approved by the commission board.

J. Additional requirements of subgrantees or restrictions on the use of VOCA funds may be made as deemed necessary by the crime victims reparation commission as allowed by the Victims of Crime Act and the most recent final program guidelines as published in the federal register.

[11/7/91, 3/14/98; Recomplied 11/30/01]

10.40.3.9 VOCA - VICTIM COMPENSATION:

A. Applications/proposals to the federal government for victim compensation funds will be presented to the commission board for approval prior to the submission of said application/proposal. If that is not feasible, then the application will be presented at the next regular meeting.

B. Victim compensation funds will be spent according to applicable state guidelines regarding compensation benefits.

C. Financial information regarding the status of victim compensation funds will be included in the agency financial report.

[11/7/91, 3/14/98; Recomplied 11/30/01]

10.40.3.10 S.T.O.P. VIOLENCE AGAINST WOMEN ACT (VAWA) GRANT PROGRAM:

A. The New Mexico crime victims reparation commission applies for and receives Violence Against Women Act (VAWA) funds each year. The VAWA grant provides for administrative costs to the CVRC. These funds may be used to pay salary, equipment, travel, or other operating expenses. The director will appoint a steering committee to assist in developing the implementation plan for each year of funding. This committee will assist in establishing the types of projects that may be funded. The commission board will review and either approve or disapprove this recommendation at the board meeting.

B. [RESERVED]

C. Victim assistance or discretionary sub-recipient applicants dissatisfied with the preliminary award decision of the commission board may request an appeal before the commission. The appeal process is as follows:

(1) A request for an appeal must be made within ten days of preliminary notification of grant awards and/or denials.

(2) This request for an appeal must be made in writing and shall be submitted to the director of the crime victims reparation commission.

(3) The director shall notify the chairman of the appeal request and a hearing will be held at the next scheduled commission board meeting. The chairman may call a special meeting at his discretion.

(4) At such hearings the interested party may state their concerns or comments to the commission board. The commission board may set appeal hearing guidelines as needed. These may include, but not be limited to, time limits on presenters and public comments.

(5) Within ten days after the hearing, the commission board shall make a determination as to the appeal and the director will notify the applicant as to the outcome.

D. Upon completion of the appeal process the commission board shall approve final awards. The director shall send a contract to all successful applicants. The applicants shall sign the contract. A revised budget reflecting the approved amount shall be returned to the director with the signed contract.

E. All subgrant final award contracts must be signed by the chairman of the commission board and the director.

F. A monthly financial report must be presented to the commission board at its regular meetings. The report shall include the following:

- (1) draw-downs from the United States treasury;
- (2) disbursements of funds to subgrantees;
- (3) notice indicating submission of federal reports.

G. Funds which cannot be spent in the grant period by subgrantees may be redistributed at the discretion of the director of the agency. Redistributed funds will only go to a subgrantee based on a subgrantees need for additional funds and their ability to properly obligate or spend the additional money within the allowable time restrictions.

H. All subgrantees shall submit a timely, complete and accurate quarterly financial report. Additional cash advances or reimbursements shall not be processed or authorized if the subgrantee fails to submit these reports.

I. Suspension or termination of funding to a subgrantee may be initiated by the director but must, at the next regular commission board meeting, be approved by the commission board.

J. Additional requirements of subgrantees or restrictions on the use of VAWA funds may be made as deemed necessary by the crime victims reparation commission as allowed by VAWA and the most recent final program guidelines as published in the federal register and/or policy stated as included in the VAWA application packet.

[3/14/98; Recompiled 11/30/01]

HISTORY OF 10.40.3 NMAC:

Pre-NMAC History: The material in the part was derived from that previously filed with the State Records Center: CVRC 88-1, Crime Victims Reparation Commission Regulations, filed 1/20/89.

CVRC 91-1, Crime Victims Reparation Commission Regulations, filed 11/7/91.

History of Repealed Material: [RESERVED]