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SB 195 Establishing the Restorative Justice Account

Sectional Analysis

"An Act relating to restitution; relating to the office of victims' rights; relating to transfers from the dividend fund; creating the restorative justice account; relating to appropriations from the restorative justice account for services for and payments to crime victims, operating costs of the Violent Crimes Compensation Board, operation of domestic violence and sexual assault programs, mental health services and substance abuse treatment for offenders, and incarceration costs; relating to contributions from dividends; relating to delinquent minors; and providing for an effective date."

Section 1 - AS 12.55.045(m), Page 1, line 9 through Page 2, line 3

Section 1 establishes that the Alaska Court System can accept restitution payments or prepayments at any time. Language regarding the Alaska Department of Law is removed, and instruction placed in section 2.

Section 2 - AS 12.55.051(f), Page 2, lines 4 through 18

Section 2 includes the process that the Alaska Court System will use to share information about restitution orders with other state agencies. It amends the current statute to allow the Office of Victims' Rights to receive and share information with the Alaska Court System consistent with all the rules of privacy as required by law.

This section also amends the notification requirement for victims by the Alaska Department of Law to include information on receiving assistance from the Office of Victims' Rights and information on how to apply for that assistance.

Section 3 - AS 12.55.051(g), Page 2, Lines 19 through 30

Section 3 requires a notification from the Department of Law to victims about their right to assistance with collecting restitution payments and it amends the period from 30 to 90 days, from the time of notification, for a victim to opt-out from receiving automatic assistance. This section allows victims to stop receiving assistance at any time in the future.

Section 4 – AS 24.65, Page 2, line 31 through Page 3, line 15

Section 4 enables the Office of Victims' Rights to assist victims with restitution payments, subject to appropriation, from the Restorative Justice Account based on priority: a natural person, private businesses, and state and local governments.

It authorizes the Office of Victims' Rights to establish a process to assist victims through the Restorative Justice Account and caps the amount of funds that a victim can receive at \$10,000.

Section 5 – AS 43.23.028, Page 3, line 16 through Page 5, line 24

Section 5 delineates the duties of the Department of Revenue to administrate the permanent fund dividend payments, regulations, timelines, and deadlines and allows cooperation with other state agencies and law enforcement. It requires the department to pay annual dividends from the dividend fund to eligible recipients. The Department of Corrections and the Department of Public Safety will provide the Department of Revenue with a list of individuals ineligible for a dividend to transfer these funds into the Restorative Justice Account.

This section clarifies the legislative intent and lists which entities can receive appropriations from the Restorative Justice Account. It also clarifies language about public disclosures.

Section 6 – AS 43.23.048, Page 5, line 25 through Page 6, line 20

Section 6 establishes the Restorative Justice Account as a separate account in the dividend fund. It tasks the Commissioner of Revenue annually to transfer from the dividend fund to the Restorative Justice Account an amount equal to what would have been paid to ineligible individuals had they been eligible.

This section allows the legislature to prioritize use of the funds through appropriations with services to victims as the highest priority.

The section further clarifies that a defendant ordered to pay restitution is still liable for payments regardless of whether a victim receives help from the Restorative Justice Account. The Legislature may appropriate restitution payments back into the Restorative Justice Account.

The section clarifies the bill does not create a dedicated fund.

Section 7 – AS 43.23.055, Page 6, line 21 through Page 8, line 5

Section 7 defines the process and duties of the Department of Revenue regarding the calculation, eligibility, and distribution of permanent fund dividends. The bill adds language for the department to establish regulations pertaining to the Restorative Justice Account created in Section 6.

Section 8 – AS 43.23.062(b), Page 8, line 6 through 23

Section 8 authorizes the Department of Revenue to add the crime victims' compensation fund, managed by the Violent Crimes Compensation Board, to the list of entities that qualify for the Pick.Click.Give program.

Section 9 – AS 43.23.062(b), Page 8, line 24 through Page 9, line 3

Section 9 defines the duties of the Department of Revenue regarding the list of entities that qualify to receive donations through Pick.Click.Give's public database. This section adds the Crime Victims Compensation Fund to that list of entities.

Section 10 – 43.23.062(m), Page 9, line 4 through 18

Section 10 authorizes the Department of Revenue to charge a processing fee to the entities that receive donations through permanent fund dividends. This section also exempts this fee from donations made to the Crime Victims' Compensation Fund.

Section 11 – AS 47.12.160(f), Page 9, line 19 through 27

Section 11 authorizes the Court System to receive payments and pre-payments from a minor or a minor's parent at any time and removes redundant language in statute. This language needed due to the fact that juvenile justice falls under DHSS.

Section 12 – AS 47.12.170(c), Page 9, line 9 through Page 10, line 17

Section 12 authorizes the Alaska Court System to forward copies of restitution orders to the Office of Victims Rights and the Department of Health and Social Services when the issue involves a minor. It instructs DHSS to inform crime victims that they may qualify for services through the Office of Victims' Rights.

This section and requires that information considered confidential by law must remain confidential.

Section 13 – AS 47.12.170(d), Page 10, line 18 – 30

Section 13 clarifies that the opt-out period for a victim is extended from 30 days to 90 days from the day of notification and instructs the Department of Health and Social services to notify victims of their rights to assistance.

Section 14 establishes an effective date.

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