

Municipal Clerk's Office

Approved

Date: 7/11/2017

Submitted by: Assembly Member Dyson

Prepared by: Assembly Counsel

For reading: July 11, 2017

ANCHORAGE, ALASKA

AR No. 2017-255

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REQUESTING THE GOVERNOR AND ALASKA LEGISLATURE TO ACT TO PRIORITIZE THE ALLOCATION OF PERMANENT FUND DIVIDENDS SEIZED FROM CONVICTED FELONS AND OTHER CRIMINALS FOR RESTORATIVE JUSTICE TO THE STATE'S CRIME VICTIM COMPENSATION FUND FOR PAYMENT OF RESTITUTION TO VICTIMS OF SERIOUS CRIMES AND RESTORE THEM TO PRE-OFFENSE CONDITION.

WHEREAS, The Alaska Constitution, Article I, Section 24, states "Crime victims ... shall have the following rights as provided by law: ... the right to restitution from the accused;..." signifying the importance and priority of restoring crime victims to a pre-offense condition as much as possible;

WHEREAS, Alaska Statutes 18.67.010 and 18.67.162 established the Alaska Crime Victim Compensation Fund, which, in addition to other sources, receives the amount of a Permanent Fund Dividend that would have been paid to a person incarcerated as the result of the conviction of a felony or a recidivist convicted of a misdemeanor;

WHEREAS, The Crime Victim Compensation Fund was created and instituted as a means and method of funding victim restitution when the perpetrator was unable to pay the court ordered restitution and the victim(s) often had overwhelming medical and other costs;

WHEREAS, unpaid court-ordered restitution reportedly now exceeds \$98 million;

WHEREAS, victim restitution is to take priority for perpetrators' assets, including through the Crime Victim Compensation Fund, with the single exception of court-ordered child support payments;

WHEREAS, after the first priority for child support payments, the Alaska Statutes do not currently set a priority among the various offices, agencies and victims' rights organizations eligible to receive seized PFD monies, and the Governors have allocated a substantial amount of this money to the Department of Corrections to costs of incarceration and inmate services while substantially ignoring the plight of victims;

WHEREAS the Violent Crimes Compensation Board has, on average, received less than 25% of the annual court-ordered restitution to distribute to victims;

WHEREAS, thousands of Alaskans have waited years for restitution to pay medical bills and for other losses while out of work and seeing their homes and assets seized to pay their bills;

WHEREAS Governor Walker closed the effective Alaska Attorney General's State Collection Unit which could have been self-funding, established in 2002, and reallocated

the function of seizing PFD's to the Alaska Court System which is ill-equipped to do this work and already struggling to keep courts open and manage its resources effectively;

WHEREAS, the budget recently passed by the Alaska Legislature includes an approximately \$400,000 reduction in the amount of seized PFD money sent to the Crime Victim Compensation Fund, from its average annual amount of \$1.5 million;

WHEREAS, The State Criminal Justice Commission strongly recommended the state use the Crime Victim Compensation Fund as "Bridging funds" to get money to victims in their report submitted to the Alaska Legislature in January of 2017;

WHEREAS, the use of this Crime Victim Compensation Fund to pay restitution does not absolve the perpetrator of responsibility to pay the victim or to reimburse the Fund for the money given to the victim of the crime; and

WHEREAS, the Alaska Legislature has before it House Bill 216 which will establish a Restorative Justice Account in the dividend fund for transfer of all seized PFDs and require appropriations in order of priority to (1) the Crime Victim Compensation Fund, (2) the Alaska Court System to pay outstanding balances on orders of restitution, (3) to nonprofit organizations for grants for mental health services and substance abuse treatment for offenders, (4) nonprofit organizations to provide grants for services to crime victims and domestic violence and sexual assault programs; and lastly (5) the Department of Corrections for costs related to incarceration or probation; now, therefore

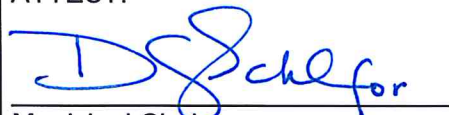
THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Assembly and the Mayor strongly recommend that Governor Walker act immediately and decisively in his executive capacity to redirect the seized PFD monies for appropriation to the Crime Victim Compensation Fund in priority over payment for Department of Corrections incarceration and probation costs and other payments, to honor the constitutional mandate to the relief of victims who have court-orders entitling them to receive restitution.

Section 2. If the Governor continues to refuse to act on behalf of victims of serious crimes and appropriate seized PFD monies second in order of priority to the Crime Victim Compensation Fund, that the Alaska Legislature pass HB 216 as soon as possible when it reconvenes in session, with an immediate effective date.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of July, 2017.

ATTEST:


Municipal Clerk


Chair