

HOUSE BILL NO. 252

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SANDERS

Introduced: 3/15/95

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to punitive damages awarded in a civil action; and providing**
2 **for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 09.17.020 is amended to read:

5 Sec. 09.17.020. PUNITIVE DAMAGES. Punitive damages may not be
6 awarded in an action, whether in tort, contract, or otherwise, unless supported by clear
7 and convincing evidence **of malice or conscious acts showing deliberate disregard**
8 **of another person by the person from whom the punitive damages are sought.**

9 *** Sec. 2.** AS 09.17.020 is amended by adding new subsections to read:

10 (b) The amount of punitive damages awarded by a court or jury under (a) of
11 this section may not exceed three times the amount of compensatory damages awarded
12 or \$250,000, whichever amount is greater.

13 (c) The limit under (b) of this section does not apply to punitive damages
14 awarded by a court or jury against a person who, as proven by a preponderance of the

1 evidence, was attempting to commit or committing a felony if the person bringing the
2 action was a victim of that offense and the offense substantially contributed to the
3 injury or death. In this subsection, "victim" has the meaning given in AS 12.55.185.

4 (d) If a person receives an award of punitive damages, the court shall require
5 that one-half of the award be deposited into the general fund of the state. This
6 subsection does not grant the state the right to file or join a civil action to recover
7 punitive damages.

8 * **Sec. 3.** APPLICABILITY. This Act applies to all causes of action accruing on or after
9 the effective date of this Act.

10 * **Sec. 4.** This Act takes effect July 1, 1995.