

SENATE BILL NO. 127

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 3/10/95

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil actions, including damages, for crime victims."

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

3 * **Section 1.** SHORT TITLE. This Act may be known as the Crime Victims' Civil Justice
4 Act.

5 * **Sec. 2.** AS 09.10.070 is amended to read:

6 Sec. 09.10.070. ACTIONS FOR TORTS AND CERTAIN STATUTORY
7 LIABILITIES TO BE BROUGHT IN TWO YEARS. Except as provided in
8 AS 09.55.660 for actions by crime victims, a [A] person may not bring an action (1)
9 for libel, slander, assault, battery, seduction, false imprisonment, or for any injury to
10 the person or rights of another not arising on contract and not specifically provided
11 otherwise; (2) upon a statute for a forfeiture or penalty to the state; or (3) upon a
12 liability created by statute, other than a penalty or forfeiture; unless the action is
13 commenced within two years.

14 * **Sec. 3.** AS 09.55 is amended by adding a new section to read:

15 Sec. 09.55.660. ACTIONS BY CRIME VICTIMS. (a) A person who

1 damages another while in the commission of a misdemeanor or a felony is liable to
2 the victim for actual damages and for liquidated damages in the amount of three times
3 the actual damages the victim incurred as a result of the person's criminal acts. This
4 subsection does not affect a person's right to punitive damages or limit a person's right
5 to other damages.

6 (b) In a claim for damages brought by a victim of a misdemeanor or felony,
7 a criminal conviction, including a conviction based on a plea of nolo contendere and
8 a conviction in which the imposition of sentence was suspended, is conclusive
9 evidence as to the facts determined by the conviction or plea.

10 (c) The authenticated judgments of courts of record of the United States, the
11 District of Columbia, or of any state, territory, or political subdivision of the United
12 States are prima facie evidence of conviction for the purposes of this section.

13 (d) Notwithstanding AS 09.10.070, a person may not bring an action for
14 damages based on acts that occurred during the commission of a misdemeanor or
15 felony for which the defendant was convicted or to which the defendant entered a plea
16 of nolo contendere unless the action is commenced within 10 years.

17 (e) When the cause of action accrues against a person who is imprisoned or
18 on parole or probation, the action may be commenced within the periods provided in
19 this section after that person is released from prison or completes the period of
20 probation or parole. If a person is imprisoned or placed on probation or parole after
21 the cause of action accrues, the time of imprisonment, probation, and parole is not part
22 of the time limited for the commencement of the action.

23 * **Sec. 4.** This Act applies to causes of action that accrue on or after the effective date of
24 this Act.