

HOUSE BILL NO. 321

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GUESS, Meyer

Introduced: 1/14/02

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the purpose for crime victims' compensation; prohibiting the**
2 **payment of compensation to a person responsible for the maintenance of the victim if**
3 **that person knew or should have known of the crime and did not assist the victim or**
4 **report the crime to the police; and limiting the factors that may be considered in making**
5 **a crime victims' compensation award in cases of sexual assault, sexual abuse of a minor,**
6 **or a crime involving domestic violence."**

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

8 *** Section 1.** AS 18.67.010 is amended to read:

9 **Sec. 18.67.010. Purpose.** It is the purpose of this chapter to facilitate and
10 permit the payment of compensation to [INNOCENT] persons injured, to dependents
11 of persons killed, and to certain other persons who, by virtue of their relationship to
12 the victim of a crime, incur actual and reasonable expense as a result of certain serious
13 crimes or in attempts to prevent the commission of crime or to apprehend suspected

1 criminals.

2 * **Sec. 2.** AS 18.67.080(a) is amended to read:

3 (a) In a case in which a person is injured or killed by an incident specified in
4 AS 18.67.101(1), or by the act of any other person that is within the description of
5 offenses listed in AS 18.67.101(2), the board may order the payment of compensation
6 in accordance with the provisions of this chapter [:]

7 (1) to or for the benefit of the injured person;

8 (2) in the case of personal injury or death of the victim, to a person
9 responsible or who had been responsible for the maintenance of the victim who has
10 suffered pecuniary loss or incurred expenses as a result of the injury or death;
11 **however, compensation may not be paid to a person under this paragraph who**
12 **knew or should have known that a crime was being committed and failed to assist**
13 **the victim or to report that crime to the police;**

14 (3) in the case of death of the victim, to or for the benefit of one or
15 more of the dependents of the victim; or

16 (4) to the provider of a service under AS 18.67.110(b).

17 * **Sec. 3.** AS 18.67.080(c) is amended to read:

18 (c) In determining whether to make an order under this section **to a victim of**

19 **(1) sexual assault, sexual abuse of a minor, or a crime involving**
20 **domestic violence,** the board **may** [SHALL] consider **only the victim's need for**
21 **financial aid;**

22 **(2) a crime, other than a crime listed in (1) of this subsection, the**
23 **board shall consider** all circumstances determined to be relevant, including
24 provocation, consent, or any other behavior of the victim that directly or indirectly
25 contributed to the victim's injury or death, the prior case or social history, if any, of the
26 victim, the victim's need for financial aid, and any other relevant matters.

27 * **Sec. 4.** AS 18.67.180 is amended by adding new paragraphs to read:

28 (6) "crime involving domestic violence" means a crime listed in
29 AS 18.67.101 committed by a household member against another household member;

30 (7) "household member" has the meaning given in AS 18.66.990;