

SENATE BILL NO. 338

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

BY THE SENATE FINANCE COMMITTEE

Introduced: 2/20/02
Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act making certain individuals convicted of crimes ineligible for permanent fund**
2 **dividends and relating to certain payments of compensation from the crime victim**
3 **compensation fund; and providing for an effective date."**

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

5 * **Section 1.** AS 18.67.080 is amended by adding a new subsection to read:

6 (e) The amount appropriated during a year to the crime victim compensation
7 fund from the dividend fund that is not subject to the public notice requirements of
8 AS 43.23.028(a) shall be used first for the payment of compensation for victims of
9 individuals who appear on the list of individuals ineligible for a dividend that is
10 prepared for that year under AS 43.23.055(5). Notwithstanding AS 18.67.070, in
11 determining the amount of compensation for a victim of an individual who appears on
12 the list prepared under AS 43.23.055(5), the board shall consider the amount of any
13 civil judgment or order of restitution that requires the individual to pay for damages to
14 the victim. Compensation paid to a victim under this subsection may not be

1 considered for purposes of applying AS 18.67.130(c).

2 * **Sec. 2.** AS 43.23.005(d) is amended to read:

3 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is
4 not eligible for a permanent fund dividend for a dividend year when

5 (1) during the qualifying year, the individual was sentenced as a result
6 of conviction in this state of a felony **or misdemeanor and the judgment has not**
7 **been reversed or vacated;**

8 (2) during all or part of the qualifying year, the individual was
9 incarcerated as a result of the conviction in this state of a

10 [(A)] felony **and the judgment has not been reversed or**
11 **vacated** [;] or

12 [(B)] misdemeanor **and the judgment has not been reversed**
13 **or vacated;**

14 **(3) before or during the qualifying year, the individual was**
15 **sentenced as a result of conviction in this state of an unclassified felony described**
16 **in AS 11 and the judgment has not been reversed or vacated;**

17 **(4) during the 19 years immediately before the qualifying year, the**
18 **individual was incarcerated as a result of the conviction in this state of a felony**
19 **under AS 11.41 or of a felony under AS 11.46.480(a)(3) and the judgment has not**
20 **been reversed or vacated;**

21 **(5) except as provided in (3) and (4) of this subsection, during the**
22 **nine years immediately before the qualifying year, the individual was**
23 **incarcerated as a result of the conviction in this state of a felony and the**
24 **judgment has not been reversed or vacated; or**

25 **(6) during the four years immediately before the qualifying year,**
26 **the individual was incarcerated as a result of the conviction in this state of a**
27 **misdemeanor under AS 11.41 and the judgment has not been reversed or vacated**

28 [IF THE INDIVIDUAL HAS BEEN CONVICTED OF

29 (i) A PRIOR FELONY AS DEFINED IN
30 AS 11.81.900; OR

31 (ii) TWO OR MORE PRIOR MISDEMEANORS AS

1 DEFINED IN AS 11.81.900].

2 * **Sec. 3.** AS 43.23.005(g) is amended to read:

3 (g) For purposes of applying **(d)** [(d)(1)] of this section, the date the court
4 imposes a sentence or suspends the imposition of sentence shall be treated as the date
5 of conviction. [FOR PURPOSES OF APPLYING (d)(2)(B) OF THIS SECTION,
6 MULTIPLE CONVICTIONS ARISING OUT OF A SINGLE CRIMINAL EPISODE
7 SHALL BE TREATED AS A SINGLE CONVICTION.]

8 * **Sec. 4.** AS 43.23.028(a) is amended to read:

9 (a) By October 1 of each year, the commissioner shall give public notice of
10 the value of each permanent fund dividend for that year and notice of the information
11 required to be disclosed under (3) of this subsection. In addition, the stub attached to
12 each individual dividend check and direct deposit advice must

13 (1) disclose the amount of each dividend attributable to income earned
14 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
15 Constitution of the State of Alaska;

16 (2) disclose the amount of each dividend attributable to income earned
17 by the permanent fund from appropriations to that fund and from amounts added to
18 that fund to offset the effects of inflation;

19 (3) disclose the amount by which each dividend has been reduced due
20 to each appropriation from the dividend fund, including amounts to pay the costs of
21 administering the dividend program and the hold harmless provisions of
22 AS 43.23.075;

23 (4) include a statement **listing the circumstances under which**
24 [THAT] an individual is not eligible for a dividend **under AS 43.23.005(d)** [WHEN

25 (A) DURING THE QUALIFYING YEAR, THE
26 INDIVIDUAL WAS CONVICTED OF A FELONY;

27 (B) DURING ALL OR PART OF THE QUALIFYING YEAR,
28 THE INDIVIDUAL WAS INCARCERATED AS A RESULT OF THE
29 CONVICTION OF A

30 (i) FELONY; OR

31 (ii) MISDEMEANOR IF THE INDIVIDUAL HAS

1 BEEN CONVICTED OF A PRIOR FELONY OR TWO OR MORE
2 PRIOR MISDEMEANORS];

3 (5) include a statement that the legislative purpose for making
4 individuals listed under (4) of this subsection ineligible is to

5 (A) obtain reimbursement for some of the costs imposed on the
6 state criminal justice system related to incarceration or probation of those
7 individuals;

8 (B) provide funds for services for and payments to crime
9 victims and for grants for the operation of domestic violence and sexual assault
10 programs;

11 (6) disclose the total amount that would have been paid during the
12 previous fiscal year to individuals who were ineligible to receive dividends under
13 AS 43.23.005(d) if they had been eligible;

14 (7) disclose the total amount appropriated for the current fiscal year
15 under (b) of this section for each of the funds and agencies listed in (b) of this section.

16 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **APPLICABILITY.** The amendments to AS 43.23.005(d) and (g) in secs. 2 and 3 of
19 this Act apply only to individuals convicted of crimes committed after December 31, 2002.
20 AS 43.23.005(d) and (g) as they read on the day before the effective date of the amendments
21 in secs. 2 and 3 of this Act apply to individuals convicted of crimes committed before
22 December 31, 2002.

23 * **Sec. 6.** This Act takes effect January 1, 2003.