

HOUSE BILL NO. 350

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

BY REPRESENTATIVES GATTO AND GRUENBERG, Kerttula

Introduced: 1/12/04

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to adding personal injury, death, and property damage from arson in**
2 **the first degree to the offenses compensable by the Violent Crimes Compensation**
3 **Board."**

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

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

6 **Sec. 18.67.010. Purpose.** It is the purpose of this chapter to facilitate and
7 permit the payment of compensation to innocent persons injured **or who have**
8 **suffered property damage**, to dependents of persons killed, and to certain other
9 persons who by virtue of their relationship to the victim of a crime incur actual and
10 reasonable expense as a result of certain serious crimes or in attempts to prevent the
11 commission of crime or to apprehend suspected criminals.

12 * **Sec. 2.** AS 18.67.030(b) is amended to read:

13 (b) In order to be eligible for compensation under this chapter, the applicant
14 shall, before a hearing on an application under this chapter, submit reports, if

1 reasonably available, from all physicians or surgeons who have treated or examined
 2 the victim in relation to the injury for which compensation is claimed at the time of or
 3 subsequent to the victim's injury or death. If, in the opinion of the board, reports on the
 4 previous medical history of the victim, a report on the examination of the injured
 5 victim, or a report on the cause of death of the victim by an impartial medical expert
 6 would be of material aid to its determination, the board shall order the reports and
 7 examination. **If the applicant is seeking compensation for property damage, the**
 8 **applicant shall submit reports, estimates, and other information as required by**
 9 **the board.**

10 * **Sec. 3.** AS 18.67.070 is amended to read:

11 **Sec. 18.67.070. Standards for compensation.** For the purpose of
 12 determining the amount of compensation payable under this chapter, the board shall,
 13 insofar as practicable, formulate standards for uniform application of this chapter and
 14 take into consideration rates and amounts of compensation payable for injuries,
 15 [AND] death, **and property damage** under other laws of the state and of the United
 16 States and the availability of funds appropriated for the purposes of this chapter.

17 * **Sec. 4.** AS 18.67.080(a) is amended to read:

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

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

24 (2) in the case of personal injury or death of the victim, to a person
 25 responsible or who had been responsible for the maintenance of the victim who has
 26 suffered pecuniary loss or incurred expenses as a result of the injury or death;

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

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

30 * **Sec. 5.** AS 18.67.090(a) is amended to read:

31 (a) Up to the maximum set in AS 18.67.130(c), the board may award

1 compensation for losses and expenses allowable under AS 18.67.110 for which the
 2 applicant is not compensated by the offender or a person on behalf of the offender, or
 3 by the United States, a state, or any of its subdivisions or agencies, or a private source
 4 or emergency awards under AS 18.67.120, for injury, [OR] death, or property
 5 damage compensable under this chapter.

6 * **Sec. 6.** AS 18.67.101 is amended to read:

7 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The
 8 board may order the payment of compensation in accordance with the provisions of
 9 this chapter for personal injury or death that resulted from

10 (1) an attempt on the part of the applicant to prevent the commission of
 11 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police
 12 officer to do so, or aiding a victim of crime; or

13 (2) the commission or attempt on the part of one other than the
 14 applicant to commit any of the following offenses:

15 (A) murder in any degree;

16 (B) manslaughter;

17 (C) criminally negligent homicide;

18 (D) assault in any degree;

19 (E) kidnapping;

20 (F) sexual assault in any degree;

21 (G) sexual abuse of a minor;

22 (H) robbery in any degree;

23 (I) threats to do bodily harm; [OR]

24 (J) driving while under the influence of an alcoholic beverage,
 25 inhalant, or controlled substance or another crime resulting from the operation
 26 of a motor vehicle, boat, or airplane when the offender is under the influence
 27 of an alcoholic beverage, inhalant, or controlled substance; or

28 **(K) arson in the first degree.**

29 * **Sec. 7.** AS 18.67.101 is amended by adding a new subsection to read:

30 (b) The board may order the payment of compensation in accordance with the
 31 provisions of this chapter for property damage that resulted from arson in the first

1 degree.

2 * **Sec. 8.** AS 18.67.110 is amended to read:

3 **Sec. 18.67.110. Nature of the compensation.** (a) The board may order the
4 payment of compensation under this chapter for

5 (1) expenses actually and reasonably incurred as a result of the
6 personal injury or death of, or property damage suffered by, the victim;

7 (2) loss of earning power as a result of total or partial incapacity of the
8 victim, and reasonable expenses of job retraining of or similar employment-oriented
9 rehabilitative services for the victim;

10 (3) pecuniary loss to the dependents of the deceased victim; and

11 (4) any other loss resulting from the personal injury or death of, or
12 property damage suffered by, the victim that the board determines to be reasonable.

13 (b) The board may order that compensation under (a) of this section for a
14 service provided as a result of the personal injury or death of, or property damage
15 suffered by, the victim be paid directly to the provider of the service.

16 * **Sec. 9.** AS 18.67.130(a) is amended to read:

17 (a) An order for the payment of compensation may not be made under
18 AS 18.67.080 unless

19 (1) the application has been made within two years after the date of the
20 personal injury, [OR] death, or property damage;

21 (2) the personal injury, [OR] death, or property damage was the
22 result of an incident or offense listed in AS 18.67.101 that had been reported to the
23 police within five days of its occurrence or, if the incident or offense could not
24 reasonably have been reported within that period, within five days of the time when a
25 report could reasonably have been made; and

26 (3) in the discretion of the board, the applicant has cooperated with law
27 enforcement and prosecution officials to further prosecution of the offender if
28 appropriate and to avoid further injury by the offender to the applicant and injury to
29 persons in the care of the applicant who are exposed to possible injury by the offender.

30 * **Sec. 10.** AS 18.67.130(d) is amended to read:

31 (d) Orders for payment of compensation under this chapter may be made only

1 as to injuries, [OR] death, or property damage resulting from incidents or offenses
2 occurring on and after July 1, 1971.

3 * **Sec. 11.** AS 18.67.140 is amended to read:

4 **Sec. 18.67.140. Recovery from offender.** When an order for the payment of
5 compensation for personal injury, [OR] death, or property damage is made under
6 this chapter, the board, upon payment of the amount of the order, is subrogated to the
7 cause of action of the applicant against the person responsible for the injury, [OR]
8 death, or property damage and is entitled to bring an action against the person for the
9 amount of the damages sustained by the applicant. If an amount greater than that paid
10 under the order is recovered and collected in the action, the board shall pay the
11 balance to the applicant.

12 * **Sec. 12.** AS 18.67.180 is amended to read:

13 (5) "victim" means a person who is injured or killed or who suffers
14 property damage by an incident or offense specified in AS 18.67.101.