

**HOUSE BILL NO. 59**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES CISSNA, Kerttula**

**Introduced: 1/10/05**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to vulnerable adults; establishing civil liability for abuse or**  
2 **exploitation of a vulnerable adult; and amending Rule 4, Alaska Rules of Civil**  
3 **Procedure."**

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

5 **\* Section 1.** AS 47.24 is amended by adding a new section to read:

6 **Sec. 47.24.150. Civil liability for abuse or exploitation.** (a) The  
7 department, a vulnerable adult, or a person representing an incapacitated person who  
8 is a vulnerable adult may bring a civil action against a person who has caused the  
9 abuse or exploitation of a vulnerable adult.

10 (b) An action may be brought under this section against a person for  
11 permitting another person to engage in abuse or exploitation of a vulnerable adult if  
12 the person knowingly acts or fails to act under circumstances in which a reasonable  
13 person should have known of the abuse or exploitation.

14

1 (c) In addition to damages awarded under AS 09.17.040, the court shall award  
2 to a prevailing plaintiff under (a) or (b) of this section

3 (1) punitive damages in an amount equal to three times all economic  
4 damages resulting from the abuse or exploitation or \$500, whichever amount is  
5 greater;

6 (2) punitive damages in an amount equal to three times all  
7 noneconomic damages resulting from the abuse or exploitation;

8 (3) reasonable attorney fees; and

9 (4) reasonable fees for the services of the department, a conservator, or  
10 guardian ad litem incurred by reason of the litigation of the claim brought under this  
11 section.

12 (d) A person commencing an action under this section shall serve a copy of  
13 the complaint on the attorney general within 30 days after the action is commenced.

14 (e) Damages awarded under this section shall be deposited in an account for  
15 the use and benefit of the vulnerable adult.

16 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **INDIRECT COURT RULE AMENDMENT.** AS 47.24.150(d), enacted by sec. 1 of  
19 this Act, has the effect of changing Rule 4, Alaska Rules of Civil Procedure, by requiring  
20 service of the attorney general for an action filed under this Act.

21 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 **CONDITIONAL EFFECT.** AS 47.24.150(d), enacted by sec. 1 of this Act, takes  
24 effect only if sec. 2 of this Act receives the two-thirds majority vote of each house required by  
25 art. IV, sec. 15, Constitution of the State of Alaska.