

HOUSE BILL NO. 216

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KOPP, Westlake, Saddler, Grenn, Claman

Introduced: 4/7/17

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to transfers from the dividend fund; creating the restorative justice
2 account; relating to appropriations from the restorative justice account for payments for
3 and services to crime victims, operating costs of the Violent Crimes Compensation
4 Board, operation of domestic violence and sexual assault programs, mental health
5 services and substance abuse treatment for offenders, and incarceration costs; and
6 providing for an effective date."

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

8 * **Section 1.** AS 43.23.028 is amended to read:

9 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the
10 commissioner shall give public notice of the value of each permanent fund dividend
11 for that year and notice of the information required to be disclosed under (3) of this
12 subsection. In addition, the stub attached to each individual dividend disbursement
13 advice must

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

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

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

11 (4) include a statement that an individual is not eligible for a dividend
12 when

13 (A) during the qualifying year, the individual was convicted of
14 a felony;

15 (B) during all or part of the qualifying year, the individual was
16 incarcerated as a result of the conviction of a

17 (i) felony; or

18 (ii) misdemeanor if the individual has been convicted of
19 a prior felony or two or more prior misdemeanors;

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

22 (A) **provide funds for services for and payments to crime**
23 **victims and operating costs of the Violent Crimes Compensation Board**
24 [OBTAIN REIMBURSEMENT FOR SOME OF THE COSTS IMPOSED ON
25 THE STATE CRIMINAL JUSTICE SYSTEM RELATED TO
26 INCARCERATION OR PROBATION OF THOSE INDIVIDUALS];

27 (B) provide funds **to pay restitution owed to crime victims;**

28 (C) **provide funds for grants to nonprofit organizations for**
29 **services to crime victims and for mental health services and substance**
30 **abuse treatment for offenders;**

31 (D) **provide funds** for services for and payments to crime

1 victims and for grants for the operation of domestic violence and sexual assault
2 programs; **and**

3 **(E) obtain reimbursement for some of the costs imposed on**
4 **the state criminal justice system related to incarceration or probation of**
5 **those individuals;**

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

9 (7) disclose the total amount **transferred or** appropriated for the
10 current fiscal year under **AS 43.23.048** [(b) OF THIS SECTION] for each of the
11 **accounts,** funds, and agencies listed in **AS 43.23.048** [(b) OF THIS SECTION].

12 (b) To the extent that amounts appropriated for a fiscal year do not exceed the
13 total amount that would have been paid during the previous fiscal year to individuals
14 who were ineligible to receive dividends under AS 43.23.005(d) or under
15 AS 43.23.021(b) if they had been eligible, the notice requirements of (a)(3) of this
16 section do not apply to **transfers** [APPROPRIATIONS] from the dividend fund to **the**
17 **restorative justice account (AS 43.23.048)**

18 [(1) THE CRIME VICTIM COMPENSATION FUND
19 ESTABLISHED UNDER AS 18.67.162 FOR PAYMENTS TO CRIME VICTIMS;

20 (2) THE COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL
21 ASSAULT ESTABLISHED UNDER AS 18.66.010 FOR GRANTS FOR THE
22 OPERATION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT
23 PROGRAMS;

24 (3) THE DEPARTMENT OF CORRECTIONS FOR
25 INCARCERATION AND PROBATION PROGRAMS;

26 (4) THE OFFICE OF VICTIMS' RIGHTS;

27 (5) NONPROFIT VICTIMS' RIGHTS ORGANIZATIONS FOR
28 GRANTS FOR SERVICES TO CRIME VICTIMS; OR

29 (6) THE DEPARTMENT OF REVENUE FOR GRANTS TO MINOR
30 CHILDREN OF INCARCERATED INDIVIDUALS UNDER A GRANT
31 PROGRAM ESTABLISHED BY REGULATIONS OF THE DEPARTMENT OF

1 REVENUE UNDER AS 44.62 (ADMINISTRATIVE PROCEDURE ACT)].

2 * **Sec. 2.** AS 43.23 is amended by adding a new section to read:

3 **Sec. 43.23.048. Restorative justice account.** (a) The restorative justice
4 account is created as a separate account in the dividend fund. The commissioner shall
5 transfer from the dividend fund to the restorative justice account each fiscal year an
6 amount equal to the amount that would have been paid during the previous fiscal year
7 to individuals who were ineligible to receive dividends under AS 43.23.005(d) if they
8 had been eligible.

9 (b) The legislature may appropriate amounts from the account to the following
10 recipients in the priority order listed:

11 (1) crime victim compensation fund established under AS 18.67.162
12 for payments to crime victims and for operating costs of the Violent Crimes
13 Compensation Board;

14 (2) Alaska Court System to pay the outstanding balances on orders of
15 restitution as provided in (c) of this section;

16 (3) nonprofit organizations for grants for mental health services and
17 substance abuse treatment for offenders;

18 (4) nonprofit organizations to provide grants for services to crime
19 victims and domestic violence and sexual assault programs; and

20 (5) Department of Corrections for costs related to incarceration or
21 probation.

22 (c) The Alaska Court System is authorized to pay the outstanding balances on
23 orders of restitution under AS 12.55.045 or AS 47.12.120. The Alaska Court System
24 shall adopt a policy to determine the order of priority for payment of restitution
25 balances.

26 (d) A person who is subject to an order of restitution all or part of which is
27 paid under this section shall reimburse the state for the amount paid by the state. The
28 state may enforce payment of reimbursement under this subsection as if the
29 reimbursement were a civil judgment enforceable by execution.

30 (e) Nothing in this section creates a dedicated fund.

31 * **Sec. 3.** AS 43.23.055 is amended to read:

1 **Sec. 43.23.055. Duties of the department.** The department shall

2 (1) annually pay permanent fund dividends from the dividend fund;

3 (2) subject to AS 43.23.011 and [PARAGRAPH] (8) of this section,
4 adopt regulations under AS 44.62 (Administrative Procedure Act) that establish
5 procedures and time limits for claiming a permanent fund dividend; the department
6 shall determine the number of eligible applicants by October 1 of the year for which
7 the dividend is declared and pay the dividends by December 31 of that year;

8 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
9 that establish procedures and time limits for an individual upon emancipation or upon
10 reaching majority to apply for permanent fund dividends not received during minority
11 because the parent, guardian, or other authorized representative did not apply on
12 behalf of the individual;

13 (4) assist residents of the state, particularly in rural areas, who, because
14 of language, disability, or inaccessibility to public transportation, need assistance to
15 establish eligibility and to apply for permanent fund dividends;

16 (5) use a list of individuals ineligible for a dividend under
17 AS 43.23.005(d) provided annually by the Department of Corrections and the
18 Department of Public Safety to determine the number and identity of those
19 individuals;

20 (6) adopt regulations that are necessary to implement AS 43.23.005(d)
21 **and 43.23.048;**

22 (7) adopt regulations that establish procedures for the parent, guardian,
23 or other authorized representative of a disabled individual to apply for prior year
24 permanent fund dividends not received by the disabled individual because no
25 application was submitted on behalf of the individual;

26 (8) adopt regulations that establish procedures for an individual to
27 apply to have a dividend disbursement under AS 37.25.050(a)(2) reissued if it is not
28 collected within two years after the date of its issuance; however, the department may
29 not establish a time limit within which an application to have a disbursement reissued
30 must be filed;

31 (9) provide any information, upon request, contained in permanent

1 fund dividend records to the child support services agency created in AS 25.27.010, or
 2 the child support enforcement agency of another state, for child support purposes
 3 authorized under law; if the information is contained in an electronic data base, the
 4 department shall provide the requesting agency with either

5 (A) access to the data base; or

6 (B) a copy of the information in the data base and a statement
 7 certifying its contents;

8 (10) establish a fraud investigation unit for the purpose of assisting the

9 (A) Department of Law in the prosecution of individuals who
 10 apply for or obtain a permanent fund dividend in violation of a provision in
 11 AS 11, by detecting and investigating those crimes; and

12 (B) commissioner to detect and investigate the claiming or
 13 paying of permanent fund dividends that should not have been claimed by or
 14 paid to an individual and to impose the penalties and enforcement provisions
 15 under AS 43.23.035.

16 * **Sec. 4.** This Act takes effect July 1, 2017.