

Introduced: 1/30/73  
Referred: Judiciary

BY DEGNAN, CHANCE, BRADNER,  
MEEKINS, GARDINER, NAUGHTON  
AND PARKER

1 IN THE HOUSE

2 HOUSE BILL NO. 153

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation  
7 Board."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 18.67.010 is amended to read:

10 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to  
11 facilitate and permit the payment of compensation to innocent persons  
12 injured or suffering pecuniary loss and to dependents of persons killed  
13 as a result of certain serious crimes or in attempts to prevent the  
14 commission of crime or to apprehend suspected criminals.

15 \* Sec. 2. AS 18.67.030 is repealed and re-enacted to read:

16 (b) In order to be eligible for compensation under this chapter,  
17 the applicant shall, before a hearing on an application under this  
18 chapter, submit reports, if reasonably available, to substantiate the  
19 claim. In cases of personal injury or death, these shall include  
20 reports from all physicians or surgeons who have treated or examined the  
21 victim in relation to the injury for which compensation is claimed at  
22 the time of or subsequent to the victim's injury or death. If, in the  
23 opinion of the board, reports on the previous medical history of the  
24 victim, a report on the examination of the injured victim, or a report  
25 on the cause of death of the victim by an impartial medical expert would  
26 be of material aid to its determination, the board shall order the  
27 reports and examination. In cases of damage, destruction or loss of  
28 personal property, the reports shall establish the present value of the  
29 property damaged, destroyed or lost.

1 \* Sec. 3. AS 18.67.080(a) is amended to read:

2 (a) In a case in which a person is personally injured or killed  
3 or suffers pecuniary loss by an incident specified in sec. 100(1) of  
4 this chapter, or by the act of any other person which is within the  
5 description of offenses listed in sec. 100(2) of this chapter, the  
6 board may order the payment of compensation in accordance with the  
7 provisions of this chapter:

8 (1) to or for the benefit of the [INJURED] person suffering  
9 the injury or loss;

10 (2) in the case of personal injury of the victim, to a person  
11 responsible for the maintenance of the victim who has suffered pecuniary  
12 loss or incurred expenses as a result of the injury; or

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

15 \* Sec. 4. AS 18.67.080(c) is amended to read:

16 (c) In determining whether to make an order under this section,  
17 the board shall consider all circumstances determined to be relevant,  
18 including provocation, consent or any other behavior of the victim  
19 which directly or indirectly contributed to his loss, injury or death,  
20 the prior case or social history, if any, of the victim, his need for  
21 financial aid, and any other relevant matters.

22 \* Sec. 5. AS 18.67.100 is amended to read:

23 Sec. 18.67.100. INCIDENTS AND OFFENSES TO WHICH CHAPTER APPLIES.  
24 The board may order the payment of compensation in accordance with the  
25 provisions of this chapter for pecuniary loss, personal injury or death  
26 which resulted from

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

1 of a crime, or

2 (2) the commission or attempt on the part of one other than  
3 the applicant to commit any of the following offenses: mayhem; indecent  
4 act with children; kidnapping; murder; manslaughter; rape; assault with  
5 intent to kill, rob, rape, or poison; assault with intent to maim;  
6 assault with a dangerous weapon; threats to do bodily harm; or lewd,  
7 indecent, or obscene acts.

8 \* Sec. 6. AS 18.67.110(3) is amended to read:

9 (3) pecuniary loss to the victim or to the dependents of a  
10 [THE] deceased victim; and

11 \* Sec. 7. AS 18.67.130(d) is amended to read:

12 (d) Orders for payment of compensation under this chapter may be  
13 made only as to loss, injuries or death resulting from incidents or  
14 offenses occurring on and after July 1, 1971.

15 \* Sec. 8. AS 18.67.140 is amended to read:

16 Sec. 18.67.140. RECOVERY FROM OFFENDER. When an order for the  
17 payment of compensation for pecuniary loss, personal injury or death is  
18 made under this chapter, the board, upon payment of the amount of the  
19 order, is subrogated to the cause of action of the applicant against the  
20 person responsible for the loss, injury or death and is entitled to  
21 bring an action against the person for the amount of the damages sus-  
22 tained by the applicant. If an amount greater than that paid under the  
23 order is recovered and collected in the action, the board shall pay the  
24 balance to the applicant.

25 \* Sec. 9. AS 18.67.180 is amended by adding a new subsection to read:

26 (6) "pecuniary loss" means the present value of personal  
27 property damaged, destroyed or lost as the result of an incident included  
28 in sec. 100 of this chapter, less any amounts received from any insur-  
29 ance covering the property.