

Introduced: 3/18/74
Referred: Health, Education
and Social Services

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 477 *am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND 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, [AND] to dependents of persons killed, and to certain other
13 persons who by virtue of their relationship to the victim of a crime
14 incur actual and reasonable expense as a result of certain serious
15 crimes or in attempts to prevent the commission of crime or to appre-
16 hend suspected criminals.

17 * Sec. 2. AS 18.67.040(a) is amended to read:

18 Sec. 18.67.040. ACTION ON APPLICATION: HEARINGS. (a) Upon
19 application made under the provisions of this chapter, the board
20 shall consider the application and rule on it. The board may,
21 upon its own motion, order a hearing, specifying the time and
22 place it is to be held; if a hearing is ordered, the board shall give
23 notice to the applicant. If, after consideration without a hearing,
24 the decision is unfavorable to the applicant, in whole or in part, the
25 board shall furnish him a written statement of the reason for the
26 ruling. If, within 30 days after receipt of this statement, the
27 applicant requests a hearing on his application, the board shall
28 specify [FIX] a time and place for a hearing and shall give notice to
29 the applicant. If no request for a hearing is made within the

1 specified time, the decision of the board is final and is not subject
2 to judicial review.

3 * Sec. 3. AS 18.67.080(a)(2) is amended to read:

4 (2) in the case of personal injury or death of the victim,
5 to a person responsible for the maintenance of the victim who has
6 suffered pecuniary loss or incurred expenses as a result of the injury;
7 or

8 * Sec. 4. AS 18.67.090 is amended to read:

9 Sec. 18.67.090. RECOVERY FROM COLLATERAL SOURCE. (a) Up to the
10 maximum set in sec. 130(c) of this chapter, the board may award com-
11 penensation for losses and expenses allowable under sec. 110 of this
12 chapter for which the applicant is not compensated by [THE BOARD SHALL
13 DEDUCT FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS RE-
14 CEIVED FROM] the offender or [FROM] a person on behalf of the offender,
15 or by [FROM] the United States, a state, or any of its subdivisions
16 or agencies, or a private source or emergency awards under sec. 120
17 of this chapter, for injury or death compensable under this chapter.

18 (b) If compensation is awarded under this chapter and the person
19 receiving it also receives a collateral sum under (a) of this section
20 which has not been deducted from it, he shall refund to the board
21 either the amount of the collateral sum [THE LESSER OF THE SUMS] or
22 the amount of compensation paid to him under this chapter, whichever
23 is less.

24 * Sec. 5. AS 18.67.110(2) is amended to read:

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

29 * Sec. 6. AS 18.67.130(b) is amended to read:

1 (b) No compensation may be awarded if the victim

2 (1) is a relative of the offender;

3 (2) is, at the time of the personal injury or at the time
4 of the injury which results in the death of the victim living with
5 the offender as a member of the same [HIS] family or household, or
6 maintaining a sexual relationship, whether illicit or not, with the
7 offender [PERSON] or with a member of the offender's [HIS] family;

8 (3) violated a penal law of the state, which violation
9 caused or contributed to his injuries or death; or

10 (4) is injured as a result of the operation of a motor
11 vehicle, boat or airplane unless the vehicle was used as a weapon in
12 a deliberate attempt to injure or kill [RUN] the victim [DOWN].

13 * Sec. 7. AS 18.67.130(c) is amended to read:

14 (c) No compensation may be awarded under this chapter in an
15 amount in excess of \$10,000 per applicant per incident. However, in
16 the case of the death of a victim who has more than one dependent
17 applying for compensation, the total compensation which may be
18 awarded as a result of that death may not exceed \$20,000. All [AND
19 ALL] payments shall be made in a lump sum.
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