

Introduced: 2/3/75  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY GRUENING

2 CS HOUSE BILL NO. 114 (Fin)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Violent Crimes Compensation  
7 Board; and providing for an effective date."

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

1 decision of the board is final.

2 \* Sec. 3. AS 18.67.050 is amended to read:

3 Sec. 18.67.050. ATTORNEY FEES. The board may, as part of an  
4 order entered under this chapter, determine and allow reasonable  
5 attorney fees, which may not exceed 25 [15] per cent of the first  
6 \$1,000 amount awarded as compensation and 15 per cent of the amount  
7 awarded as compensation in excess of \$1,000 under sec. 70 of this  
8 chapter, to be paid [OUT OF BUT NOT] in addition to the amount of the  
9 compensation, to the attorney representing the applicant. It is unlawful  
10 for the attorney to ask for, contract for, charge, demand, collect or  
11 receive a larger sum than the amount allowed by the board in addition  
12 to [IN THE] award. An attorney who violates this section is guilty  
13 of a misdemeanor and, upon conviction, is punishable by a fine of not  
14 less than \$500, or by imprisonment for not more than one year, or by  
15 both, and shall forfeit any fee awarded and shall repay the state the  
16 fee awarded under this section.

17 \* Sec. 4. AS 18.67.080(a)(2) is amended to read:

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

22 \* Sec. 5. AS 18.67.090 is amended to read:

23 Sec. 18.67.090. RECOVERY FROM COLLATERAL SOURCE. (a) Up to the  
24 maximum set in sec. 130(c) of this chapter, the board may award  
25 compensation for losses and expenses allowable under sec. 110 of this  
26 chapter for which the applicant is not compensated by [THE BOARD SHALL  
27 DEDUCT FROM COMPENSATION AWARDED UNDER THIS CHAPTER THE PAYMENTS  
28 RECEIVED FROM] the offender or [FROM] a person on behalf of the  
29 offender, or by [FROM] the United States, a state, or any of its

1 subdivisions or agencies, or a private source or emergency awards  
2 under sec. 120 of this chapter, for injury or death compensable under  
3 this chapter.

4 (b) If compensation is awarded under this chapter and the person  
5 receiving it also receives a collateral sum under (a) of this section  
6 which has not been deducted from it, the board may require that he  
7 refund either the amount of the collateral sum [HE SHALL REFUND TO  
8 THE BOARD THE LESSER OF THE SUMS] or the amount of compensation paid  
9 to him under this chapter, whichever is less.

10 \* Sec. 6. AS 18.67.110(2) is amended to read:

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

15 \* Sec. 7. AS 18.67.120(1) is amended to read:

16 (1) the amount of the emergency compensation may not exceed  
17 \$1,500 [\$500];

18 \* Sec. 8. AS 18.67.130(b) is amended to read:

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

20 (1) is a relative of the offender;

21 (2) is, at the time of the personal injury or at the time  
22 of the injury which results in the death of the victim living with the  
23 offender as a member of the same [HIS] family or household, or main-  
24 taining a sexual relationship, whether illicit or not, with the  
25 offender [PERSON] or with a member of the offender's [HIS] family;

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

28 (4) is injured as a result of the operation of a motor  
29 vehicle, boat or airplane unless the vehicle was used as a weapon in

1 a deliberate attempt to injure or kill [RUN] the victim [DOWN].

2 \* Sec. 9. AS 18.67.130(c) is amended to read:

3 (c) No compensation may be awarded under this chapter in an  
4 amount in excess of \$25,000 per applicant per incident. However, in  
5 the case of the death of a victim who has more than one dependent  
6 applying for compensation, the total compensation which may be awarded  
7 as a result of that death may not exceed the sum of the maximum award  
8 of \$25,000 for one dependent plus \$5,000 for each additional dependent,  
9 and the board shall prorate the total awarded among those dependents  
10 according to relative need. All [\$10,000 AND ALL] payments shall be  
11 made in a lump sum.

12 \* Sec. 10. AS 18.67 is amended by adding a new section to read:

13 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every  
14 hospital licensed by this state shall display prominently in its  
15 emergency room posters notifying the public of the existence and  
16 general provisions of this chapter. The board shall set standards  
17 for the location of this display and shall provide posters, applica-  
18 tion forms and general information regarding the provisions of this  
19 chapter to each hospital and to each physician licensed to practice  
20 medicine in the state.

21 (b) Every law enforcement agency in the state shall inform  
22 victims of violent crimes, or their surviving dependents, of the  
23 provisions of this chapter and shall provide application forms to the  
24 victims, or their dependents, who desire to seek compensation under  
25 this chapter. The board shall provide application forms, all other  
26 documents and general information which law enforcement agencies may  
27 require to comply with this subsection. The board shall set standards  
28 to be followed by law enforcement agencies for this purpose and may  
29 require them to file with the board a description of the procedures

1        adopted by each agency to comply.

2        \* Sec. 11. This Act takes effect immediately in accordance with AS 01.10.  
3 070(c).

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