

Original sponsor: Gruening

Offered: 3/5/75
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 114

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 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 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 18.67.080(a)(2) is amended to read:

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

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

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

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

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

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

28 * Sec. 6. AS 18.67.120(1) is amended to read:

29 (1) the amount of the emergency compensation may not exceed

1 \$1,500 [\$500];

2 * Sec. 7. AS 18.67.130(b) is amended to read:

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

4 (1) is a relative of the offender;

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

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

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

15 * Sec. 8. AS 18.67.130(c) is amended to read:

16 (c) No compensation may be awarded under this chapter in an amount
17 in excess of \$10,000 per victim per incident. However, in the case of
18 the death of a victim who has more than one dependent applying for com-
19 ensation, the total compensation which may be awarded as a result of
20 that death may not exceed the sum of the maximum award of \$10,000 for
21 one dependent plus \$2,500 for each additional dependent to \$10,000
22 maximum for additional dependents, and the board shall prorate the total
23 awarded among those dependents according to relative need. In no circum-
24 stances shall the total to the dependents of a deceased victim exceed
25 \$20,000. All [AND ALL] payments shall be made in a lump sum.

26 * Sec. 9. AS 18.67 is amended by adding a new section to read:

27 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. Every law enforcement
28 agency in the state shall inform victims of violent crimes, or their
29 surviving dependents, of the provisions of this chapter and shall pro-

1 vide application forms to the victims, or their dependents, who desire
2 to seek compensation under this chapter. The board shall provide
3 application forms, all other documents and general information which law
4 enforcement agencies may require to comply with this subsection.

5 * Sec. 10. This Act takes effect immediately in accordance with AS 01.10.

6 070(c).