

1 IN THE SENATE

BY HUBER

2 *FCCS HCS CS* SENATE BILL NO. 23 *am*
3
4

IN THE LEGISLATURE OF THE STATE OF ALASKA

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

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

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

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

20 * Sec. 5. AS 18.67.090 is repealed and re-enacted to read:

21 Sec. 18.67.090. LIMITATION ON RECOVERY FROM COLLATERAL SOURCES.
22 The board may deduct from the final compensation awarded under this
23 chapter only that amount awarded to the applicant as emergency compensa-
24 tion under sec. 120 of this chapter.

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

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

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

1 (1) the amount of the emergency compensation may not exceed
2 \$1,500 [\$500];

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

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

5 (1) is a relative of the offender;

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

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

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

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

17 (c) No compensation may be awarded under this chapter in an amount
18 in excess of \$25,000 per applicant per incident. However, in the case of
19 the death of a victim who has more than one dependent applying for com-
20 ensation, the total compensation which may be awarded as a result of
21 that death may not exceed \$25,000 awarded for one dependent plus \$5,000
22 for each additional dependent. All [\$10,000 AND ALL] payments shall be
23 made in a lump sum.

24 * Sec. 10. AS 18.67 is amended by adding new sections to read:

25 Sec. 18.67.175. DUTY TO DISPLAY INFORMATION. (a) Every hospital
26 licensed by this state shall display prominently in its emergency room
27 posters notifying the public of the existence and general provisions of
28 this chapter. The board shall set standards for the location of this
29 display and shall provide posters, application forms and general informa-

1 tion regarding the provisions of this chapter to each hospital and to
2 each physician licensed to practice medicine in the state.

3 (b) Every law enforcement agency in the state shall inform victims
4 of violent crimes, or their surviving dependents, of the provisions of
5 this chapter and shall provide application forms to the victims, or their
6 dependents, who desire to seek compensation under this chapter. The
7 board shall provide application forms, all other documents and general
8 information which law enforcement agencies may require to comply with
9 this subsection. The board shall set standards to be followed by law
10 enforcement agencies for this purpose and may require them to file with
11 the board a description of the procedures adopted by each agency to
12 comply.

13 * Sec. 11. This Act takes effect immediately in accordance with AS 01.10.

14 070(c).